

GUN RANGE PROTECTION STATUTES

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ALABAMA

Statute: Ala. Code § 6-5-341 (1975)

Code of Alabama Currentness

Title 6. Civil Practice.

Chapter 5. Actions. (Refs & Annos)

Article 18. . Exemptions from Liability. (Refs & Annos)

§ 6-5-341. Liability for operation or use of sport shooting range.

(a) As used in this section, the following words shall have the following meanings:

(1) Governmental body. The State of Alabama or any county or municipal governing body, agency, board, commission, committee, council, department, district, or any other public body corporate and politic created by constitution, statute, ordinance, rule, or order.

(2) Property. Real property and buildings, structures, and improvements thereon.

(3) Sport shooting range. An area designed and used for rifle shooting, pistol shooting, trapshooting, skeetshooting, or other target shooting and related training or practice for the purpose of sharpshooting or improving in the use of firearms.

(b)(1) This section applies to all private or public civil, injunctive, and nuisance actions.

(2) Notwithstanding any other provision of law, any person, firm, or entity who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution or lead or lead pollution resulting from the operation or use of the range if the range is being operated between the hours of 9:00 a.m. and 9:00 p.m. and if the range has been in existence prior to 1990 or is in compliance with any noise or lead control laws or ordinances that applied to the sport shooting range and its operation on August 1, 2001, or at the time the sport shooting range came into existence, whichever event occurs first.

(3) Any person, firm, or entity who operates or uses a sport shooting range is not subject to an action for nuisance and is not subject to injunction to stop the use or operation of the shooting range on the basis of noise or noise pollution or lead or lead pollution if the range is being operated between the hours of 9:00 a.m. and 9:00 p.m. and if the range has been in existence prior to 1990 or is in compliance with any noise control or lead control laws or ordinances applying to the sport shooting range and its operation on August 1, 2001, or at the time the sport shooting range came into existence, whichever event occurs first.

(4) Except as expressly provided herein, nothing in this section nor the common law doctrine of attractive nuisance shall create any duty of care or grounds for liability toward any person using the property of another for a sport shooting range.

(c) No public street or alley shall be opened through a tract of property used or occupied as a sport shooting range, unless the necessity of the street or alley is first established by verdict of a jury upon a showing of extreme need and impossibility of redirecting or rerouting the street or alley to accommodate the sport shooting range.

(d) Rules or regulations adopted by any governmental body limiting levels of noise in terms of decibel level which may occur in the atmosphere shall not apply to a sport shooting range exempted from liability under this section.

(e) Rules or regulations adopted by any governmental body limiting levels of lead occurring in the atmosphere shall not apply to a sport shooting range exempted from liability under this section.

ALASKA

Statute: AS § 34.75.010, 020

West's Alaska Statutes Annotated Currentness

Title 34. Property

Chapter 75. Noise Levels of Sport Shooting Facilities and Private Airport Facilities (Refs & Annos)

§ 34.75.010. Limitation on actions arising from noise level

(a) Notwithstanding AS 09.45.230, AS 11.61.110, and any other state or municipal law, except (b) of this section and except as may be otherwise provided by federal law, a person may not bring a civil or criminal action against a person who operates or uses a sport shooting facility or a private airport facility if the action arises out of the noise level resulting from the normal operation or use of the facility and if the facility

(1) was established or began operation before any noise control law applied to the facility; or

(2) complies with the noise control laws that applied to the facility when the facility was established or began operation.

(b) The prohibition in (a) of this section does not apply to an action that arises out of

(1) a contract;

(2) a personal injury suffered by a person while on the premises of the facility; or

(3) a substantial change in the use of the facility.

(c) Except as may be otherwise provided by federal law, even if otherwise allowed by (a) and (b) of this section, a person may not bring a nuisance action for noise level against a facility located in the vicinity of the person's property if the facility was established before the person acquired the property, unless the facility substantially changes the use of the facility after the person acquires the property.

§ 34.75.020. Time limitation on nuisance actions

Except as may otherwise be provided by federal law, a person may not bring a nuisance action otherwise allowed under this chapter for the level of noise against a facility unless the action is

brought within five years after the facility is established or begins operation or, if the action is brought after a substantial change in the use of the facility, within three years after the substantial change. In this section, “established” includes resuming shooting activity at a sport shooting facility if there has not been shooting activity at the facility for three or more years, or resuming airport activity at a private airport facility if there has not been airport activity at the facility for three or more years.

§ 34.75.030. State and municipal regulation

(a) Notwithstanding AS 02.15.020 and AS 02.25.020, the state or a municipality may not regulate the outdoor level of noise at a facility if the facility is exempt from a criminal or civil action under AS 34.75.010(a).

(b) Except as otherwise provided in this chapter, a municipality may regulate the noise level produced by a facility.

§ 34.75.040. Construction and meaning of “substantial change in the use”

In this chapter, the phrase “substantial change in the use” shall be strictly construed to maximize the immunity from civil and criminal actions provided under AS 34.75.010-AS 34.75.020 for sport shooting facilities and private airport facilities.

In this chapter, “substantial change in the use” does not include a mere increase in the frequency of flights or the number of shots.

§ 34.75.090. Definitions

In this chapter, unless the context indicates otherwise,

(1) “airport facility” means an area of land or water that is used or intended for use for the landing and takeoff of aircraft, including appurtenant areas that are used or intended for use as airport buildings or rights-of-way; in this paragraph, “aircraft” includes fixed-wing and rotor aircraft;

(2) “facility” means a sport shooting facility or a private airport facility;

(3) “law” means a state statute or regulation or an ordinance of a municipality;

(4) “person” includes the state, a state agency, and a municipality;

(5) “private” means an airport that is privately owned and operated; airports owned, operated, or leased by the state, a municipality, or a political subdivision of the state or a local government are considered public airports;

(6) “sport shooting facility” means real property operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or similar activity related to sport shooting.

ARIZONA

Statute: A.R.S. § 17-601

Arizona Revised Statutes Annotated Currentness

Title 17. Game and Fish (Refs & Annos)
Shooting Ranges (Refs & Annos)
Outdoor Shooting Range Noise Standards

§ 17-601. Definition of outdoor shooting range

In this article, unless the context otherwise requires, “outdoor shooting range” or “range” means a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor shooting range does not include any area for the exclusive use of archery or air guns or a totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

§ 17-602. State outdoor shooting range noise standards; preemption; measurement; definitions

- A. The legislature finds that outdoor shooting range noise standards are a matter of statewide concern. City, town, county and any other state noise standards are preempted as applied to outdoor shooting ranges.
- B. Each outdoor shooting range in this state shall measure the noise emitted from the range pursuant to subsection E at least once. In addition, the range shall measure the noise it emits if the range expands the area designed and operated for the use of firearms or explosives by more than twenty per cent in size than at the time of its initial noise measurement or if the range introduces the use of a type of firearm or explosive device that will increase noise production. The range shall pay for the measurement and shall keep the results of the measurement at the range at all times. Any person may review the noise measurement during the range's business hours. Ranges that are located at least one mile from areas that are zoned for residences, schools, hotels, motels, hospitals or churches are exempt from this subsection.
- C. Any person, at the person's expense, may measure the noise emitted from an outdoor shooting range pursuant to subsection E.
- D. The noise emitted from an outdoor shooting range shall not exceed an Leq(h) of sixty-four dBA.
- E. In measuring the noise emitted from an outdoor shooting range:

1. If a range performs the measurement of noise pursuant to subsection B, sound pressure measurements shall be taken twenty feet from the nearest occupied residence, school, hotel, motel, hospital or church, or from the nearest proposed location of a residence, school, hotel, motel, hospital or church if the property is zoned for such a structure but is currently unimproved. If a person performs the measurement of noise pursuant to subsection C, sound pressure measurements shall be taken twenty feet from the person's residence, school, hotel, motel, hospital or church, or twenty feet from the proposed location of the person's residence, school, hotel, motel, hospital or church if the property is zoned for such a structure but is currently unimproved.

2. Sound pressure measurements shall be made in a location directly between the range and the nearest existing or proposed residence, school, hotel, motel, hospital or church. If there are natural or artificial obstructions that prevent an accurate noise measurement, the measurement may be taken within an additional twenty feet radius from the initial measurement location.

3. Sound pressure measurements shall be made on the A-weighted fast response mode scale. Measurements shall be taken during the noisiest hour of peak use during the operation of the range. Measurements shall be taken according to American national standards institute's standard methods ANSI S1.2-1962 (R1976) American national standard method for physical measurement of sound and ANSI S1.2-1971 (R1976) American national standard method for measuring sound pressure levels. Measurements shall be taken using a type 1 sound meter meeting the requirements of ANSI S1.4L-1971. Any part of the measurements conducted on a range shall comply with the range safety rules.

F. Outdoor shooting ranges in operation on July 1, 2002 shall comply with the provisions of this section before July 1, 2003. Ranges not in operation on July 1, 2002 shall comply with the provisions of this section when they begin operation.

G. For the purposes of this section:

1. "A-weighted" means a frequency weighting network used to account for changes in sensitivity as a function of frequency.

2. "DBA" means A-weighted decibels, taking into account human response to sound energy in different frequency bands.

3. "Decibel" means the unit of measure for sound pressure denoting the ratio between two quantities that are proportional to power. The number of decibels is ten times the base ten logarithm of this ratio.

4. "Leq(h)" means the equivalent energy level that is the steady state level that contains the same amount of sound energy as a time varying sound level for a sixty minute time period.

§ 17-603. Preexisting outdoor shooting ranges; noise buffering or attenuation

A. If an outdoor shooting range was constructed before July 1, 2002 in compliance with existing applicable county or municipal ordinances and zoning requirements and if property located

within one mile of the exterior property boundary of the range is rezoned after July 1, 2002 for residential use or any other use that includes a school, hotel, motel, hospital or church, the zoning authority must provide for noise buffers or attenuation devices that are either:

1. Within the new development as a condition for developing the property or as supplied by the zoning authority.

2. Supplied or funded by the zoning authority for location in the range.

B. Property owners, developers, zoning authorities and ranges may negotiate and provide for noise buffers or attenuation devices located on or off the range.

C. Any noise buffering or attenuation under this section must comply with the state noise standards prescribed by § 17-602.

§ 17-604. Nighttime outdoor shooting range operations

A. Outdoor shooting ranges that are located in areas that are zoned for residential use or any other use that includes a school, hotel, motel, hospital or church shall not operate from 10:00 p.m. through 7:00 a.m.

B. This section does not apply to any outdoor shooting range while it is providing law enforcement or military training. These ranges must provide adequate public notice including posting in four public locations within one mile of the exterior boundaries of the range each calendar quarter of the schedule of when the range will operate from 10:00 p.m. through 7:00 a.m. and the purpose for those nighttime operations. Nighttime operations under this subsection must comply with the nighttime noise standards prescribed by § 17-602.

§ 17-605. Noise pollution; nuisance; defense; costs

A. It is an affirmative defense to any civil liability or claim for equitable relief arising from any allegation regarding noise or noise pollution that results from owning, operating or using an outdoor shooting range if the entity or individual owning, operating or using the range complies with this article.

B. In any action where a defense has been raised pursuant to subsection A, the court shall award the prevailing party its costs and all expenses, including the party's costs incurred in measuring noise emitted from the range and reasonable attorney fees.

ARKANSAS

Statute: A.C.A. § 16-105-501

West's Arkansas Code Annotated Currentness

Title 16. Practice, Procedure, and Courts

Subtitle 7. Particular Proceedings and Remedies (Chapters 105 to 126)

Chapter 105. Abatement of Nuisances

Subchapter 5. Noise Pollution (Refs & Annos)

§ 16-105-501. Definitions in subchapter

As used in this subchapter:

- (1) “Local unit of government” means a county, city of the first class, city of the second class or incorporated town;
- (2) “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity; and
- (3) “Sport shooting range” or “range” means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

A.C.A. § 16-105-502

West's Arkansas Code Annotated Currentness

Title 16. Practice, Procedure, and Courts

Subtitle 7. Particular Proceedings and Remedies (Chapters 105 to 126)

Chapter 105. Abatement of Nuisances

Subchapter 5. Noise Pollution (Refs & Annos)

§ 16-105-502. Sport shooting ranges; exemptions from nuisance and noise pollution suits

- (a) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution for noise or noise pollution resulting from the operation or use of the range if the range is in compliance with noise control ordinances of local units of government that applied to the range and its operation at the time the range was constructed and began operation.

(b) A person who operates or uses a sport shooting range is not subject to an action for nuisance, and no court of the state may enjoin the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with noise control ordinances of units of local government that applied to the range and its operation at the time the range was constructed and began operation. The

(c) A person who subsequently acquires title to or who owns real property adversely affected by the use of property with a permanently located sport shooting range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range unless there has been a substantial change in the nature of the use of the range or by a person using the range.

(d) Rules or regulations adopted by any state agency for establishing levels of noise allowable in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this subchapter.

(e) Notwithstanding any other provision of law to the contrary, nothing in this subchapter shall be construed to limit civil liability except in the limited case of noise pollution.

CALIFORNIA

Statute: *West's Ann. Cal.Civ.Code § 3482.1*

West's Annotated California Codes Currentness

Civil Code (Refs & Annos)

Division 4. General Provisions (Refs & Annos)

Part 3. Nuisance

Title 1. General Principles (Refs & Annos)

§ 3482.1. Operation or use of sport shooting ranges; civil liability or criminal prosecution; noise or noise pollution nuisance

(a) As used in this section:

(1) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

(2) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport or law enforcement training purpose.

(3) "Indoor shooting range" means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

(4) "Nighttime" means between the hours of 10 p.m. and 7 a.m.

(b)(1) Except as provided in subdivision (f), a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local public entity having jurisdiction in the matter, or if there were no such laws or ordinances that applied to the range and its operation at that time.

(2) Except as provided in subdivision (f), a person who operates or uses a sport shooting range or law enforcement training range is not subject to an action for nuisance, and a court shall not enjoin the use or operation of a range, on the basis of noise or noise pollution if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local public entity having

jurisdiction in the matter, or if there were no such laws or ordinances that applied to the range and its operation at that time.

(3) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this section.

(c) A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved sport shooting range may not maintain a nuisance action with respect to noise or noise pollution against the person who owns the range to restrain, enjoin, or impede the use of the range where there has been no substantial change in the nature or use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

(d) A sport shooting range that is in operation and not in violation of existing law at the time of the enactment of an ordinance described in subdivision (b) shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to a new ordinance or an amendment to an existing ordinance if there has been no substantial change in the nature or use of the range. Nothing in this section shall be construed to limit the authority of a local agency to enforce any term of a conditional use permit.

(e) Except as otherwise provided in this section, this section does not prohibit a local public entity having jurisdiction in the matter from regulating the location and construction of a sport shooting range after the effective date of this section.

(f) This section does not prohibit a local public entity having jurisdiction in the matter from requiring that noise levels at the nearest residential property line to a range not exceed the level of normal city street noise which shall not be more than 60 decibels for nighttime shooting. The subdivision does not abrogate any existing local standards for nighttime shooting. The operator of a sport shooting range shall not unreasonably refuse to use trees, shrubs, or barriers, when appropriate, to mitigate the noise generated by nighttime shooting. For the purpose of this section, a reasonable effort to mitigate is an action that can be accomplished in a manner and at a cost that does not impose an unreasonable financial burden upon the operator of the range.

(g) This section does not apply to indoor shooting ranges.

(h) This section does not apply to a range in existence prior to January 1, 1998, that is operated for law enforcement training purposes by a county of the sixth class if the range is located without the boundaries of that county and within the boundaries of another county. This subdivision shall become operative on July 1, 1999.

COLORADO

Statute: C.R.S.A. § 25-12-109

West's Colorado Revised Statutes Annotated Currentness

Title 25. Health

Environmental Control

Article 12 Noise Abatement (Refs & Annos)

§ 25-12-109. Exception--sport shooting ranges--legislative declaration--definitions

(1) The general assembly hereby finds, determines, and declares that the imposition of inconsistent, outdated, and unnecessary noise restrictions on qualifying sport shooting ranges that meet specific, designated qualifications work to the detriment of the public health, welfare, and morale as well as to the detriment of the economic well-being of the state. The general assembly further finds, determines, and declares that a need exists for statewide uniformity with respect to exempting qualifying shooting ranges from the enforcement of laws, ordinances, rules, and orders regulating noise. As the gain associated with having a uniform statewide exemption for qualifying sport shooting ranges outweighs any gains associated with enforcing noise regulations against such ranges, the general assembly further declares that the provisions of this section, as enacted, are a matter of statewide concern and preempt any provisions of any law, ordinance, rule, or order to the contrary.

(2) As used in this section, unless the context otherwise requires:

(a) “Local government” means any county, city, city and county, town, or any governmental entity, board, council, or committee operating under the authority of any county, city, city and county, or town.

(b) “Local government official” means any elected, appointed, or employed individual or group of individuals acting on behalf of or exercising the authority of any local government.

(c) “Person” means an individual, proprietorship, partnership, corporation, club, or other legal entity.

(d) “Qualifying sport shooting range” or “qualifying range” means any public or private establishment, whether operating for profit or not for profit, that operates an area for the discharge or other use of firearms or other equipment for silhouette, skeet, trap, black powder, target, self-defense, recreational or competitive shooting, or professional training.

(3) Notwithstanding any other law or municipal or county ordinance, rule, or order regulating noise to the contrary:

(a) A local governmental official may not commence a civil action nor seek a criminal penalty against a qualifying sport shooting range or its owners or operators on the grounds of noise emanating from such range that results from the normal operation or use of the qualifying shooting range except upon a written complaint from a resident of the jurisdiction in which the range is located. The complaint shall state the name and address of the complainant, how long the complainant has resided at the address indicated, the times and dates on which the alleged excessive noise occurred, and such other information as the local government may require. The local government shall not proceed to seek a criminal penalty or pursue a civil action against a qualifying sport shooting range on the basis of such a noise complaint if the complainant established residence within the jurisdiction after January 1, 1985.

(b) No person may bring any suit in law or equity or any other claim for relief against a qualifying sport shooting range located in the vicinity of the person's property or against the owners or operators of such range on the grounds of noise emanating from the range if:

(I) The qualifying range was established before the person acquired the property;

(II) The qualifying range complies with all laws, ordinances, rules, or orders regulating noise that applied to the range and its operation at the time of its construction or initial operation;

(III) No law, ordinance, rule, or order regulating noise applied to the qualifying range at the time of its construction or initial operation.

CONNECTICUT

Statute: Conn. Gen. Stat. § 22a-74a

Connecticut General Statutes Annotated Currentness

Title 22A. Environmental Protection (Refs & Annos)

Chapter 442. Noise Pollution Control (Refs & Annos)

§ 22a-74a. Exemption of firing and shooting ranges from criminal and civil liability for noise and noise pollution

(a) Any owner, operator or user of a firing or shooting range operating on October 1, 1998, shall be exempt from criminal prosecution with respect to noise or noise pollution violations and immune from civil liability with respect to noise or noise pollution resulting from shooting activity on such range provided the range was, at the time of its construction or operational approval by the municipality in which it is located, in compliance with the provisions of this chapter and regulations adopted hereunder.

(b) No standards in a noise control ordinance adopted by any municipality for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall apply to any firing or shooting range exempted from liability under this section if such standards are inconsistent with the provisions of this chapter or the regulations adopted hereunder.

(c) This section shall not limit the ability of a municipality to evaluate and regulate any increase in noise attributable to a physical expansion of an existing firing or shooting range.

DELAWARE

Statute: 10 Del. C. § 8142

West's Delaware Code Annotated Currentness

Title 10. Courts and Judicial Procedures

Part V. Limitation of Actions

Chapter 81. Personal Actions

§ 8142. Limitations on shooting range and hunting operations nuisance suits

(a) For the purposes of this section, the terms “shooting range” and “hunting operations” and “its appurtenances” mean an operation including any of the following:

(1) Lands, including the buildings and improvements thereon, which are used or which are intended for use for the shooting of targets for training, education, practice, recreation or competition;

(2) Lands, including the buildings and improvements thereon, which are used or which are intended for use as a hunting club, hunting preserve, shooting preserve or a restricted experimental, propagating and shooting preserve as provided for in subchapter V of Chapter 5 of Title 7;

(3) Lands, including the buildings and improvements thereon, which are used or which are intended for use as a kennel, training facility or field trial facility for the breeding, showing, raising and/or training of hunting and sporting dogs; and

(4) Clubs, associations, partnerships, sole proprietorships, corporations and other business and social entities whose activities or holdings include the land and uses described in paragraphs (1)-(3) of this subsection (a).

(b) This section does not apply to:

(1) Shooting ranges or hunting operations which do not conform to federal, state or local health or zoning requirements except as may otherwise be provided elsewhere herein; or

(2) Shooting ranges or hunting operations which are conducted in a negligent or unlawful manner.

(c) No shooting range or hunting operation or any of its appurtenances shall be or become a nuisance, private or public, by any changed conditions in or about the locality thereof after the same has been in operation for more than 1 year if the operation or the change did not constitute a nuisance from the date the shooting range or hunting operation began or the date the change in the operation began. Likewise, a shooting range or hunting operation which fully complied with

local zoning requirements when operations first began shall not be deemed to be non-compliant based upon zoning requirements which have subsequently changed since the initial commencement of operations.

(d) Subject to the limitations of subsection (c) of this section, any and all state laws and ordinances of any unit of local government now in effect or hereafter adopted that would make the operation of any such shooting range or hunting operation or its appurtenances a nuisance or providing for abatement thereof as a nuisance in the circumstances set forth in this section shall be null and void as applied to shooting ranges and hunting operations and their respective appurtenances; however, this section shall not apply whenever nuisance results from the negligent or improper operation of any such shooting range or hunting operation or any of its appurtenances or when there has been a significant and fundamental change in the operation itself.

FLORIDA

Statute: Fla. Stat. § 823.16

West's Florida Statutes Annotated Currentness

Title XLVI. Crimes (Chapters 775-899)

Chapter 823. Public Nuisances (Refs & Annos)

823.16. Sport shooting ranges; definitions; exemption from liability; exemption from specified rules; exemption from nuisance actions; continued operation

(1) Definitions.--As used in this act, the following terms shall have the following meanings:

(a) "Unit of local government" means a unit of local government created or established by law, including, but not limited to, a city, consolidated government, county, metropolitan government, municipality, town, or village.

(b) "Person" means an individual, corporation, proprietorship, partnership, association, club, two or more persons having a joint or common interest, or any other legal entity.

(c) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar type of sport shooting.

(2) Notwithstanding any other provision of law, a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution which results from the operation or use of a sport shooting range, if the range is in compliance with any noise control laws or ordinances adopted by a unit of local government applicable to the range and its operation at the time of construction or initial operation of the range.

(3) A person who operates or uses a sport shooting range is not subject to an action for nuisance, and a court of this state shall not enjoin the use or operation of a sport shooting range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time of construction or initial operation of the range.

(4) Rules adopted by any state department or agency for limiting levels of noise in terms of decibel levels which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this act.

(5) A person who acquires title to or owns real property adversely affected by the use of property with a permanently located and improved sport shooting range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range

where there has not been a substantial change in the nature of the use of the range. This section does not prohibit actions for negligence or recklessness in the operation of a sport shooting range or by a person using the range.

(6) A sport shooting range that is not in violation of existing law at the time of the enactment of an ordinance applicable to the sport shooting range shall be permitted to continue in operation even if the operation of the sport shooting range does not conform to the new ordinance or an amendment to an existing ordinance, provided the range was not in violation of any law when the range was constructed and provided that the range continues to conform to current National Rifle Association gun safety and shooting range standards.

(7) Except as otherwise provided in this act, this act shall not prohibit a local government from regulating the location and construction of a sport shooting range after the effective date of this act.

GEORGIA

Statute: Ga. Code Ann., § 41-1-9

West's Code of Georgia Annotated Currentness

Title 41. Nuisances

Chapter 1. General Provisions (Refs & Annos)

§ 41-1-9. Sport shooting ranges not deemed nuisances as result of changed circumstances

(a) As used in this Code section, the term:

(1) “Person” means an individual, proprietorship, partnership, corporation, or unincorporated association.

(2) “Sport shooting range” or “range” means an area designated and operated by a person for the sport shooting of firearms and not available for such use by the general public without payment of a fee, membership contribution, or dues or by invitation of an authorized person, or any area so designated and operated by a unit of government, regardless of the terms of admission thereto.

(3) “Unit of government” means any of the departments, agencies, authorities, or political subdivisions of the state, cities, municipal corporations, townships, or villages and any of their respective departments, agencies, or authorities.

(b) No sport shooting range shall be or shall become a nuisance, either public or private, solely as a result of changed conditions in or around the locality of such range if the range has been in operation for one year since the date on which it commenced operation as a sport shooting range. Subsequent physical expansion of the range or expansion of the types of firearms in use at the range shall not establish a new date of commencement of operations for purposes of this Code section.

(c) No sport shooting range or unit of government or person owning, operating, or using a sport shooting range for the sport shooting of firearms shall be subject to any action for civil or criminal liability, damages, abatement, or injunctive relief resulting from or relating to noise generated by the operation of the range if the range remains in compliance with noise control or nuisance abatement rules, regulations, statutes, or ordinances applicable to the range on the date on which it commenced operation.

(d) No rules, regulations, statutes, or ordinances relating to noise control, noise pollution, or noise abatement adopted or enacted by a unit of government shall be applied retroactively to prohibit conduct at a sport shooting range, which conduct was lawful and being engaged in prior to the adoption or enactment of such rules, regulations, statutes, or ordinances.

HAWAII

Hawaii has not enacted a gun range protection act.

IDAHO

Statute: I.C. § 55-2601

West's Idaho Code Annotated Currentness

Title 55. Property in General

Chapter 26. Sport Shooting Ranges (Refs & Annos)

§ 55-2601. Sport shooting range--Liability for noise pollution

(1) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range was established, constructed or operated prior to the implementation of any noise control laws, ordinances, rules or regulations, or if the range is in compliance with any noise control laws, ordinances, rules or regulations that applied to the range and its operation at the time of establishment, construction or initial operation of the range subject to the limitations in section 55-2605, Idaho Code.

(2) Rules or regulations adopted by a state or local department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this act.

(3) A municipal noise control ordinance may not require or be applied so as to require a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment date of the ordinance.

§ 55-2602. Sport shooting range--Nuisance action--Limitations

(1) Except as provided in this section, a person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within three (3) years from the beginning of the substantial change.

(2) A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that shooting range only if the action is brought within five (5) years after establishment of the range or three (3) years after a substantial change in use of the range.

(3) If there has been no shooting activity at a range for a period of three (3) years, resumption of shooting is considered establishment of a new shooting range for purposes of this section.

§ 55-2603. Local regulation of sport shooting range

(1) Except as otherwise provided in this act, this act does not prohibit a local unit of government from regulating the location and construction of a sport shooting range after the effective date of this act.

(2) A local unit of government may regulate noise produced as a result of a substantial change in the use of the range.

ILLINOIS

Statute: 740 ILCS 130/5

West's Smith-Hurd Illinois Compiled Statutes Annotated Currentness

Chapter 740. Civil Liabilities

Act 130. Premises Liability Act (Refs & Annos)

130/5. Firearm ranges; liability

§ 5. Firearm ranges; liability.

(a) As used in this Section, “firearm range” means a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range in this State used for discharging firearms in a sporting event, for practice or instruction in the use of a firearm, or for the testing of a firearm. “Firearm range” also includes licensed shooting preserves and public hunting areas operated or licensed by the Department of Natural Resources.

(b) An owner or operator of a firearm range in existence on January 1, 1994, is immune from any criminal liability arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range. An owner or operator of a firearm range is not subject to any action for public or private nuisance or trespass and no court in this State shall enjoin the use or operation of a firearm range on the basis of noise or sound emissions resulting from the normal use of the firearm range.

(c) An owner or operator of a firearm range placed in operation after January 1, 1994, is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range, if the firearm range conforms to any one of the following requirements:

(1) All areas from which a firearm may be properly discharged are at least 1,000 yards from any occupied permanent dwelling on adjacent property.

(2) All areas from which a firearm may be properly discharged are enclosed by a permanent building or structure that absorbs or contains sound energy escaping from the muzzle of firearms in use.

(3) If the firearm range is situated on land otherwise subject to land use zoning, the firearm range is in compliance with the requirements of the zoning authority.

(4) The firearm range is operated by a governmental entity or is licensed by the Department of Natural Resources.

(5) The firearm range met the requirements of clause (1) of this subsection (c) at the time the range began its operation and subsequently an occupied permanent dwelling on adjacent property

was built within 1,000 yards from an area of the range from which a firearm may be properly discharged.

INDIANA

Statute: IC 14-22-31.5-5

West's Annotated Indiana Code Currentness

Title 14. Natural and Cultural Resources (Refs & Annos)

Article 22. Fish and Wildlife

Chapter 31.5. Shooting Ranges

14-22-31.5-5 Local government regulation

Sec. 5. Except as specifically prohibited by this chapter, a local unit of government may regulate the location, use, operation, safety, and construction of a shooting range.

14-22-31.5-6 Liability relating to noise

Sec. 6. A person who owns, operates, or uses a shooting range is not liable in any civil or criminal matter relating to noise or noise pollution that results from the normal operation or use of the shooting range if the shooting range complies with a law or an ordinance that applied to the shooting range and its operation at the time of the construction or initial operation of the shooting range, if such a law or ordinance was in existence at the time of the construction or initial operation of the shooting range.

14-22-31.5-7 Powers of ranges in existence before July 1, 1996

Sec. 7. Notwithstanding any ordinance adopted by a local unit of government, a shooting range that is in existence before July 1, 1996, may do the following within the geographic boundaries of the shooting range as it existed on June 30, 1996:

(1) Repair, remodel, or reinforce a building or structure that is needed to ensure public safety or to secure the continued use of the building or structure.

(2) Reconstruct, repair, restore, or resume the use of a nonconforming building that has been damaged by fire, collapse, explosion, act of nature, or war after July 1, 1996. However, the reconstruction, repair, or restoration must be completed not more than one (1) year after the date of the damage to the building or the settlement of the property damage claim. If the reconstruction, repair, or restoration is not completed within one (1) year, the local unit of government may terminate the continuation of the nonconforming use.

(3) Expand or increase the membership of the shooting range or opportunities for public participation at the shooting range

IOWA

Statute: I.C.A. § 657.9

Iowa Code Annotated Currentness

Title XV. Judicial Branch and Judicial Procedures [Chs. 595-686]

Subtitle 5. Special Actions [Chs. 639-686] (Refs & Annos)

Chapter 657. Nuisances (Refs & Annos)

657.9. Shooting ranges

Before a person improves property acquired to establish, use, and maintain a shooting range by the erection of buildings, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall obtain approval of the county zoning commission or the city zoning commission, whichever is appropriate. The appropriate commission shall comply with section 335.8 or 414.6. In the event a county or city does not have a zoning commission, the county board of supervisors or the city council shall comply with section 335.6 or 414.5 before granting the approval.

A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range where there has not been a substantial change in the nature of the use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

KANSAS

Statute: K.S.A. 58-3221 - 3224

West's Kansas Statutes Annotated Currentness

Chapter 58. Personal and Real Property

Article 32. Land and Water Recreational Areas

Sport Shooting Ranges

58-3221. Sport shooting ranges; definitions

As used in this act:

(a) “Generally accepted operation practice” means those safety practices adopted, pursuant to rules and regulations, by the Kansas department of wildlife and parks and established by a nationally recognized nonprofit membership organization that provides voluntary firearms safety programs which include training individuals in the safe handling and use of firearms and which practices are developed with consideration of all information reasonably available regarding the operation of shooting ranges.

(b) “Local unit of government” means a county, city, township or any other political subdivision of the state, or any agency, authority, institution or instrumentality thereof.

(c) “Person” means an individual, proprietorship, partnership, corporation, club, governmental entity or other legal entity.

(d) “Sport shooting range” or “range” means an area designed and operated for the use of archery, rifles, shotguns, pistols, semiautomatic firearms, skeet, trap, black powder or any other similar sport shooting.

58-3222. Same; conformance to generally accepted operation practices; application of law relating to noise control and nuisance

(a) Notwithstanding any other provisions of law, and in addition to other protections provided in this act, a person who owns, operates, manages or uses a sport shooting range that conforms to generally accepted operation practices in the state is not subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances or resolutions that applied to the range and its operation at the time of construction and initial operation of the range.

(b) In addition to any civil protection provided by the act, a person who owns, operates, manages or uses a sport shooting range that conforms to generally accepted operation practices is not subject to an action for nuisance, and a court of the state shall not enjoin or restrain the use or

operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances or resolutions that applied to the range and its operation at the time of construction or initial operation of the range.

(c) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere do not apply to a sport shooting range immune from liability under this act. However, this subsection does not constrict the application of any provision of generally accepted operation practices.

(d) A person who acquires title to real property adversely affected by the use of property with a permanently located and improved sport shooting range constructed and initially operated prior to the time the person acquires title shall not maintain a nuisance action on the basis of noise or noise pollution or based upon known or inherent dangers against the person who owns, operates or uses the range to restrain, enjoin, or impede the use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range.

58-3223. Same; application of local law

(a) A sport shooting range that is operated and is not in violation of state law at the time of the enactment of an ordinance or resolution shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to the new ordinance or resolution or amendment to an existing ordinance or resolution.

(b) A sport shooting range that is in existence as of the effective date of this act and operates in compliance with generally accepted operation practices, even if not in compliance with an ordinance or resolution of a local unit of government, shall be permitted to do all of the following within its preexisting geographic boundaries if in compliance with generally accepted operation practices:

(1) Repair, remodel or reinforce any improvement or facilities or building or structure as may be necessary in the interest of public safety or to secure the continued use of the building or improvement;

(2) reconstruct, repair, rebuild or resume the use of a facility or building damaged by fire, collapse, explosion, act of God or act of war occurring after the effective date of this act. The reconstruction, repair or restoration shall be completed within one year following the date of the damage or settlement of any property damage claim. If reconstruction, repair or restoration is not completed within one year as provided in this subsection, such reconstruction, repair or restoration may be terminated in the discretion of the local unit of government; or

(3) do anything authorized under generally accepted operation practices, including, but not limited to:

(A) Expand or enhance its membership or opportunities for public participation; and

(B) reasonably expand or increase facilities or activities.

58-3224. Same; regulation by local governments; taking of range for certain uses prohibited

(a) Except as otherwise provided, the provisions of this act shall not prohibit a local unit of government from regulating the location and construction of a sport shooting range.

(b) No person or governmental entity may take title to property which has a permanently located and improved sport shooting range, by condemnation, eminent domain or similar process when the proposed use of said property would be for shooting related activities or recreational activities or for private or commercial development. However, this provision does not limit governmental exercise of eminent domain or easement necessary for infrastructure additions or improvements, such as highways, waterways or utilities.

KENTUCKY

Statute: KRS § 237.210

Baldwin's Kentucky Revised Statutes Annotated Currentness

Title XIX. Public Safety and Morals

Chapter 237. Firearms and Destructive Devices

Shooting Ranges

237.210 Effect of changed conditions on nuisance actions involving shooting ranges; standing to sue; limitation of liability; prohibition against retroactive application of laws

(1) No shooting range shall be or shall become a nuisance, either public or private, solely as a result of changed conditions in or around the locality of the range if the range has been in operation for one (1) year since the date on which it commenced operation as a shooting range. Subsequent physical expansion of the range or expansion of the types of firearms in use at the range shall not establish a new date of commencement of operations for purposes of this section unless the change triples the amount of the noise produced by the shooting range. The increase in the noise level at the shooting range shall be measured by an independent testing agency or a unit of government and shall compare the highest noise levels during any one (1) month during which the range is in full operation with a subsequent month in which the range is in full operation and conducting a comparable level of shooting activities. Only a person who lives adjacent to the shooting range shall have standing to bring an action under this section.

(2) No shooting range or unit of government or person owning, operating, or using a shooting range for the shooting of firearms shall be subject to any action for civil or criminal liability, damages, abatement, or injunctive relief resulting from or relating to noise generated by the operation of the range if the range remains in compliance with noise control or nuisance abatement administrative regulations, statutes, or ordinances applicable to the range on the date on which it commenced operation.

(3) No administrative regulations, statutes, or ordinances relating to noise control, noise pollution, or noise abatement adopted or enacted by a unit of government shall be applied retroactively to prohibit conduct at a shooting range, which conduct was lawful and being engaged in prior to the adoption or enactment of the administrative regulations, statutes, or ordinances.

LOUISIANA

Statute: LSA-R.S. 30:2055.1

West's Louisiana Statutes Annotated Currentness

Louisiana Revised Statutes

Title 30. Minerals, Oil, and Gas and Environmental Quality (Refs & Annos)

Subtitle II. Environmental Quality (Refs & Annos)

Chapter 3. Louisiana Air Control Law (Refs & Annos)

§ 2055.1. Sport shooting range; regulation; noise pollution; nuisance

A. (1) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range was established, constructed, or operated prior to the implementation of any noise control laws, ordinances, rules, or regulations, or if the range is in compliance with any noise control laws, ordinances, rules, or regulations that applied to the range and its operation at the time of establishment, construction, or initial operation of the range.

(2) Rules or regulations adopted by a state or local department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this Section.

(3) A municipal noise control ordinance may not require or be applied so as to require a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment date of the ordinance.

B. (1) Except as provided in this Section, a person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person's property if the shooting range was established, constructed, or operated as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within three years of the date of a substantial change in use.

(2) A person who owns property in the vicinity of a shooting range that was established, constructed, or operated after the person acquired the property may maintain a nuisance action for noise against that shooting range only if the action is brought within five years after establishment of the range or three years after a substantial change in use of the range.

(3) If there has been no shooting activity at a range for a period of two years, resumption of shooting is considered establishment of a new shooting range for purposes of this Section.

C. (1) Except as otherwise provided in this Section, this Section does not prohibit a unit of local government from regulating the location and construction of a sport shooting range after the effective date of this Section.

(2) Nothing in this Section limits the ability of a local unit of government to regulate noise produced as a result of a substantial change in the use of the range.

D. The provisions of R.S. 30:2053(6), (7), (8), and (9) and 2055.1 contained herein shall not alter or otherwise affect lawsuits filed prior to August 15, 1997.

MAINE

Statute: 17 M.R.S.A. § 2806

Maine Revised Statutes Annotated Currentness

Title 17. Crimes (Refs & Annos)

Chapter 91. Nuisances

Subchapter 3. Particular Nuisances

§ 2806. Sport shooting ranges

1. Acquisition of property near existing range. Except as provided in this subsection, a person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within 3 years from the beginning of the substantial change.
2. Establishment of shooting range near existing property. A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that shooting range only if the action is brought within 5 years after establishment of the range or 3 years after a substantial change in use of the range.
3. Dormant shooting range. If there has been no shooting activity at a range for a period of 3 years, resumption of shooting is considered establishment of a new shooting range for purposes of this section.
4. Application. This section does not limit nuisance actions against shooting ranges established after the effective date of this section.

MARYLAND

Statute: MD Code, Courts and Judicial Proceedings, § 5-403.1

West's Annotated Code of Maryland Currentness

Courts and Judicial Proceedings

Title 5. Limitations, Prohibited Actions, and Immunities (Refs & Annos)

Subtitle 4. Immunities and Prohibited Actions--Businesses, Associations, and Charities (Refs & Annos)

§ 5-403.1. Sport shooting ranges

Sport shooting range defined

(a) In this section, “sport shooting range” means an area designed and used for trapshooting, skeetshooting, or other target shooting.

Application of section to private nuisance actions only

(b) This section applies only to private nuisance actions and does not apply to public nuisance actions.

Date of establishment of sport shooting range

(c) If there has been no shooting activity at a sport shooting range for a period of 3 consecutive years, the date of resumption of shooting activity is considered the date of the establishment of a sport shooting range for purposes of this section.

Actions against shooting range prohibited if range in operation when property acquired

(d)(1) Except as provided in paragraph (2) of this subsection, a person may not bring a civil nuisance action for noise against a person who owns, operates, or uses a sport shooting range located within the vicinity of the property of the person bringing the action if the sport shooting range was established as of the date the person acquired the property.

(2) This section may not be construed to limit a nuisance action against a sport shooting range established on or after June 1, 1997.

MASSACHUSETTS

Statute: M.G.L.A. 214 § 7B

Massachusetts General Laws Annotated Currentness

Part III. Courts, Judicial Officers and Proceedings in Civil Cases (Ch. 211-262)

Title I. Courts and Judicial Officers (Ch. 211-222)

Chapter 214. Equity Jurisdiction (Refs & Annos)

§ 7B. Noise pollution; shooting ranges; exemption from liability; hours of operation

Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, no owner of a rifle, pistol, silhouette, skeet, trap, blackpowder, or other similar range shall be liable in any civil action or criminal prosecution in any matter relating to noise or noise pollution resulting from use of the range, provided said owner of the range was in compliance with any applicable noise control law, ordinance or by-laws in existence at the time of the construction of such range.

No owner shall be liable in any action for nuisance, and no court shall enjoin the use or operation of said range on the basis of noise or noise pollution, provided said owner was in compliance with any noise control law, ordinance or by-laws in existence at the time of the construction of the range.

The exemptions from liability and the immunities from prosecution provided in this section shall also extend to any owner who, in order to satisfy a requirement of law, regulation or by-law, relocates his range within the same parcel of land or a contiguous parcel of land, owned by him at the time that the commonwealth or its political subdivision commences enforcement of such a requirement or that the owner voluntarily complies with such a requirement. In order to maintain these exemptions from liability and immunities from prosecution, owners who relocate their ranges pursuant to the preceding sentence shall remain in compliance with the applicable noise control laws, ordinances or by-laws in existence at the time of the construction of the original range described in the first paragraph.

No standards in rules adopted by any state, city, or town agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall apply to the ranges exempted from liability under the provisions of this section. Such ranges shall be prohibited from operating between the hours of ten o'clock post meridian and eight o'clock ante meridian unless otherwise allowed by the local governing body.

MICHIGAN

Statute: M.C.L.A. 691.1541

Michigan Compiled Laws Annotated Currentness

Chapter 691. Judiciary (Refs & Annos)

Sport Shooting Ranges; Regulation, Civil Immunity (Refs & Annos)

691.1541. Definitions

Sec. 1. As used in this act:

(a) “Generally accepted operation practices” means those practices adopted by the commission of natural resources that are established by a nationally recognized nonprofit membership organization that provides voluntary firearm safety programs that include training individuals in the safe handling and use of firearms, which practices are developed with consideration of all information reasonably available regarding the operation of shooting ranges. The generally accepted operation practices shall be reviewed at least every 5 years by the commission of natural resources and revised as the commission considers necessary. The commission shall adopt generally accepted operation practices within 90 days of the effective date of section 2a. [FN1]

(b) “Local unit of government” means a county, city, township, or village.

(c) “Person” means an individual, proprietorship, partnership, corporation, club, governmental entity, or other legal entity.

(d) “Sport shooting range” or “range” means an area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

691.1542. Sport shooting range; noise pollution, nuisance; exemption from liability

Sec. 2. (1) Notwithstanding any other provision of law, and in addition to other protections provided in this act, a person who owns or operates or uses a sport shooting range that conforms to generally accepted operation practices in this state is not subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time of construction or initial operation of the range.

(2) In addition to other protections provided in this act, a person who owns, operates, or uses a sport shooting range that conforms to generally accepted operation practices is not subject to an action for nuisance, and a court of the state shall not enjoin or restrain the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control

laws or ordinances that applied to the range and its operation at the time of construction or initial operation of the range.

(3) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere do not apply to a sport shooting range exempted from liability under this act. However, this subsection does not restrict the application of any provision of the generally accepted operation practices.

691.1542a. Sport shooting range; nonconforming use and compliance with generally accepted operation practices

Sec. 2a. (1) A sport shooting range that is operated and is not in violation of existing law at the time of the enactment of an ordinance shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance.

(2) A sport shooting range that is in existence as of the effective date of this section and operates in compliance with generally accepted operation practices, even if not in compliance with an ordinance of a local unit of government, shall be permitted to do all of the following within its preexisting geographic boundaries if in compliance with generally accepted operation practices:

(a) Repair, remodel, or reinforce any conforming or nonconforming building or structure as may be necessary in the interest of public safety or to secure the continued use of the building or structure.

(b) Reconstruct, repair, restore, or resume the use of a nonconforming building damaged by fire, collapse, explosion, act of God, or act of war occurring after the effective date of this section. The reconstruction, repair, or restoration shall be completed within 1 year following the date of the damage or settlement of any property damage claim. If reconstruction, repair, or restoration is not completed within 1 year, continuation of the nonconforming use may be terminated in the discretion of the local unit of government.

(c) Do anything authorized under generally accepted operation practices, including, but not limited to:

(i) Expand or increase its membership or opportunities for public participation.

(ii) Expand or increase events and activities.

MINNESOTA

LOOK UP THE SHOOTING RANGE STANDARDS – WILL BE A RULE THAT THE CODE REQUIRED BE ENACTED

Statute: M.S.A. § 87A.01

Minnesota Statutes Annotated Currentness

Recreation (Ch. 85-87A)

Chapter 87A. Shooting Range Protection

87A.01. Definitions

Subdivision 1. Applicability. The definitions in this section apply to sections 87A.01 to 87A.08.

Subd. 2. Person. “Person” means an individual, association, proprietorship, partnership, corporation, club, political subdivision, or other legal entity.

Subd. 3. Shooting range or range. “Shooting range” or “range” means an area or facility designated or operated primarily for the use of firearms, as defined in section 97A.015, subdivision 19, or archery, and includes shooting preserves as described in section 97A.115 or any other Minnesota law.

Subd. 4. Shooting range performance standards. “Shooting range performance standards” means those rules adopted by the commissioner of natural resources under section 87A.02 for the safe operation of shooting ranges.

Subd. 5. Local unit of government. “Local unit of government” means a home rule charter or statutory city, county, town, or other political subdivision.

87A.02. Shooting range performance standards

Subdivision 1. Adoption of standards; review. (a) The commissioner of natural resources must develop and adopt shooting range performance standards, according to the expedited rulemaking process under section 14.389. The shooting range performance standards must provide for compliance with applicable noise standards under section 87A.05 and for the safe use of shooting ranges within their boundaries, including the containment of projectiles.

(b) The shooting range performance standards must provide for the operation of shooting preserves within the boundaries of the preserve, including an exemption from any discharge distance limitations generally applicable to hunting on other land, when the shooting preserve is in compliance with all other applicable laws and is in operation on or before the effective date of the performance standards adopted under this section or prior to the development of any structure that would cause the preserve to be out of compliance with the discharge distance.

(c) The commissioner must review the shooting range performance standards at least once every five years and revise them if necessary for the safe operation of shooting ranges.

(d) In the adoption of any amendments to the shooting range performance standards adopted under paragraph (a), the commissioner shall follow all notice and public hearing requirements for the regular rule adoption process under sections 14.001 to 14.28.

Subd. 2. Interim standards. Until the commissioner of natural resources adopts the shooting range performance standards under subdivision 1, paragraph (a), the November 1999 revised edition of the National Rifle Association's Range Source Book: A Guide to Planning and Construction shall serve as the interim shooting range performance standards, having the full effect of the shooting range performance standards for purposes of this chapter. The interim shooting range performance standards sunset and have no further effect under this chapter upon the effective date of the shooting range performance standards adopted under subdivision 1, paragraph (a).

87A.03. Compliant ranges; authorized activities

Subdivision 1. Authorized activities. A shooting range that operates in compliance with the shooting range performance standards must be permitted to do all of the following within its geographic boundaries, under the same or different ownership or occupancy, if done in accordance with shooting range performance standards:

- (1) operate the range and conduct activities involving the discharge of firearms;
- (2) expand or increase its membership or opportunities for public participation related to the primary activity as a shooting range;
- (3) make those repairs or improvements desirable to meet or exceed requirements of shooting range performance standards;
- (4) increase events and activities related to the primary activity as a shooting range;
- (5) conduct shooting activities and discharge firearms daily between 7:00 a.m. and 10:00 p.m. A local unit of government with zoning jurisdiction over a shooting range may extend the hours of operation by the issuance of a special or conditional use permit; and
- (6) acquire additional lands to be used for buffer zones or noise mitigation efforts or to otherwise comply with this chapter.

Subd. 2. Nonconforming use. A shooting range that is a nonconforming use shall be allowed to conduct additional shooting activities within the range's lawful property boundaries as of the date the range became a nonconforming use, provided the shooting range remains in compliance with noise and shooting range performance standards under this chapter.

Subd. 3. Compliance with other law. Nothing in this section exempts any newly constructed or remodeled building on a shooting range from compliance with fire safety, disability accessibility, elevator safety, bleacher safety, or other provisions of the State Building Code that have mandatory statewide application.

87A.04. Mitigation area

(a) Except for those uses, developments, and structures in existence or for which approval has been granted by October 1, 2005, or as provided in paragraph (b), no change in use, new development, or construction of a structure shall be approved for any portion of property within 750 feet of the perimeter property line of an outdoor shooting range if the change in use, development, or construction would cause an outdoor shooting range in compliance with this chapter to become out of compliance.

(b) A change in use, new development, or construction of a structure subject to this section may be approved if the person seeking the approval or, at the discretion of the governing body, the approving authority agrees to provide any mitigation required to keep the range in compliance with this chapter. The person requesting an approval subject to this section is responsible for providing documentation if no mitigation is required under this section. Failure to provide the documentation or any mitigation required under this section exempts the range from being found out of compliance with the shooting range performance and noise standards of this chapter with regard to the property responsible for the mitigation if the failure to provide the documentation or required mitigation is the sole basis for the range being out of compliance with the shooting range performance standards. Any action brought by the owner of the property against the range is subject to section 87A.06. With the permission of the range operator, any mitigation required under this section may be provided on the range property.

87A.05. Noise standards

Allowable noise levels for the operation of a shooting range are the levels determined by replacing the steady state noise L10 and L50 state standards for each period of time within each noise area's classification with a single Leq(h) standard for impulsive noise that is two dBA lower than that of the L10 level for steady state noise. The noise level shall be measured outside of the range property at the location of the receiver's activity according to Minnesota Rules, parts 7030.0010 to 7030.0080, as in effect on May 28, 2005. For purposes of this section, "Leq(h)" means the energy level that is equivalent to a steady state level that contains the same amount of sound energy as the time varying sound level for a 60-minute time period.

87A.06. Nuisance actions; compliance with shooting range performance standards

A person who owns, operates, or uses a shooting range in this state that is in compliance with shooting range performance standards is not subject to any nuisance action for damages or equitable relief based on noise or other matters regulated by the shooting range performance standards. This section does not prohibit other actions.

87A.07. Closure of shooting ranges

Subdivision 1. Closure. Except as otherwise provided in sections 87A.01 to 87A.08, a shooting range that is in compliance with shooting range performance standards and the requirements of sections 87A.01 to 87A.08 shall not be forced to permanently close or permanently cease any activity related to the primary use of the shooting range unless the range or activity is found to be a clear and immediate safety hazard by a court of competent jurisdiction. In any action brought to compel the permanent closure of any range in compliance with shooting range performance standards and this chapter, or to permanently cease any activity related to the primary use of the shooting range, there is a rebuttable presumption that the range or activity is not a clear and immediate safety hazard. If the shooting range provides evidence that the cause of a proven safety hazard can be mitigated so as to eliminate the safety hazard, the court shall not order the permanent closure of the range, or permanent ceasing of the activity found to be a clear and immediate safety hazard, unless the range operator fails to implement the necessary mitigation to remove the safety hazard by the date that is determined reasonable by the court.

Subd. 2. Preliminary injunctions. Nothing in this section prohibits a court from granting a preliminary injunction against any activity determined to be a probable clear and immediate safety hazard, or against any individual determined to be the probable cause of an alleged clear and immediate safety hazard, pending the final determination of the existence of the safety hazard.

Subd. 3. Permanent injunctions. A court may grant a permanent injunction only against a particular activity or person instead of permanently closing the range unless the court finds that the remaining operations also pose a safety hazard under this section.

87A.08. Applicability of other laws

Subdivision 1. Public safety laws; zoning. (a) Nothing in this chapter prohibits enforcement of any federal law. To the extent consistent with this chapter, other state laws regarding the health, safety, and welfare of the public may be enforced. To the extent consistent with this chapter, a local unit of government with zoning authority jurisdiction over a shooting range may enforce its applicable ordinances and permits. Nothing in this chapter shall supersede more restrictive regulation of days and hours of operation imposed by the terms and conditions of ordinances and permits that are in effect on May 28, 2005.

(b) If the operator of the shooting range shows evidence that the range can be brought into compliance with the applicable state law, local ordinance, or permit, the range may not be

permanently closed unless the range operator fails to bring the range into compliance with the applicable law, ordinance, or permit under this section by the date that the court determines reasonable. Nothing in this section prohibits a court from granting a preliminary injunction against any activity determined to be a violation of a law, ordinance, or permit under this section or against any individual determined to be causing an alleged violation, pending the final determination of the existence of the violation.

Subd. 2. Permanent injunctions. A court may grant a permanent injunction only against a particular activity or person instead of permanently closing the range unless the court finds that the remaining operations also create a violation under this section.

MISSISSIPPI

Statute: Miss. Code Ann. § 95-13-1

West's Annotated Mississippi Code Currentness

Title 95. Torts

Chapter 13. Liability Exemption for Noise Pollution by Sport-Shooting Ranges

§ 95-13-1. Sport-shooting ranges; noise pollution; objections to location; hearing procedures

(1) As used in this section, unless the context otherwise requires:

(a) "Local unit of government" means a county, municipality or other entity of local government;

(b) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity; and

(c) "Sport-shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting which complies with the provisions of subsection (3) of this section.

(2)(a) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport-shooting range in this state is not subject to civil liability or criminal prosecution for noise or noise pollution resulting from the operation or use of the range if the range is in compliance with all noise control laws, resolutions, ordinances or regulations, issued by a local unit of government, that applied to the range and its operation at the time the range was constructed and began operation.

(b) A person who operates or uses a sport-shooting range is not subject to an action for nuisance, and a court of the state shall not enjoin the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with all noise control laws, resolutions, ordinances or regulations issued by a unit of local government that applied to the range and its operation at the time the range was constructed and began operation.

(c) A person who subsequently acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin or impede the use of the range where there has not been a substantial change in the nature of the use of the range or by a person using the range.

(d) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of described level which may occur in the outdoor atmosphere shall not apply to a sport-shooting range exempted from liability under this section.

(e) Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability except in the limited case of noise pollution.

(3)(a) In order to qualify for the limitation of liability afforded by this act, a sport-shooting range must be located wholly within a tract or parcel of land consisting of not less than three hundred twenty (320) contiguous acres. All persons owning property any part of which lies within one thousand (1,000) yards of any boundary of the sport-shooting range property shall have standing to appear and object to the location of the sport-shooting range at a hearing to be conducted by the Industrial Development Authority Board.

(b) The person seeking to operate the range and secure the limitation of liability afforded by this act shall bear the expense of the hearing and other costs associated therewith.

(c) Actual notice shall be afforded to all persons having standing to object if the identity and addresses of those persons can be determined by examining the property tax records of the county. Actual notice shall be made in writing mailed via first class mail, postage prepaid, not less than thirty (30) days prior to the date set for the hearing.

(d) Publication shall be made in a newspaper of general circulation in the county once a week for three (3) weeks, the first such publication to be made not less than thirty (30) days prior to the date of the hearing.

(e) Claims of persons who do not appear and object shall be barred as provided in this act.

(f) Notwithstanding any provision of this act to the contrary, the cause of action of any person owning property in the vicinity of the proposed range and having standing to object prior to the time of the hearing shall not be barred by the provisions of this act provided the property owner registers his complaint with the board at or before the hearing.

(4) The provisions of this section shall apply only in a county bordering the State of Tennessee wherein U.S. Highway 78 intersects State Highway 7 and in a county where U.S. Highway 61 and State Highway 4 intersect.

MISSOURI

Statute: V.A.M.S. 537.294

Vernon's Annotated Missouri Statutes Currentness

Title XXXVI. Statutory Actions and Torts

Chapter 537. Torts and Actions for Damages (Refs & Annos)

537.294. Firearm range, hunting preserve defined--immunity from criminal and civil liability for noise, public or private nuisance or trespass--exceptions

1. As used in this section, the following terms shall mean:

(1) "Firearm range" , any rifle, pistol, silhouette, skeet, trap, blackpowder or other similar range in this state used for discharging firearms in a sporting event or for practice or instruction in the use of a firearm, or for the testing of a firearm;

(2) "Hunting preserve", any hunting preserve or licensed shooting area operating under a permit granted by the Missouri department of conservation.

2. All owners and authorized users of firearm ranges shall be immune from any criminal and civil liability arising out of or as a consequence of noise or sound emission resulting from the use of any such firearm range. Owners and users of such firearm ranges shall not be subject to any civil action in tort or subject to any action for public or private nuisance or trespass and no court in this state shall enjoin the use or operation of such firearm ranges on the basis of noise or sound emission resulting from the use of any such firearm range. Any actions by a court in this state to enjoin the use or operation of such firearm ranges and any damages awarded or imposed by a court, or assessed by a jury, in this state against any owner or user of such firearm ranges for nuisance or trespass are null and void.

3. All owners and authorized users of existing hunting preserves or areas that are designated as hunting preserves after August 28, 2008, shall be immune from any criminal and civil liability arising out of or as a consequence of noise or sound emission resulting from the normal use of any such hunting preserve. Owners or authorized users of such hunting preserves shall not be subject to any action for public or private nuisance or trespass, and no court in this state shall enjoin the use or operation of such hunting preserves on the basis of noise or sound emission resulting from normal use of any such hunting preserve.

4. Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability for compensatory damage arising from physical injury to another human, physical injury to tangible personal property, or physical injury to fixtures or structures placed on real property.

MONTANA

Statute: MCA 76-9-101

West's Montana Code Annotated Currentness

Title 76. Land Resources and Use

Chapter 9. Shooting Ranges

Part 1. Protection of Shooting Range Location and Investments

76-9-101. Policy

It is the policy of the state of Montana to provide for the health, safety, and welfare of the citizens of the state by promoting the safety and enjoyment of the shooting sports among the citizens of the state and by protecting the locations of and investment in shooting ranges for shotgun, archery, rifle, and pistol shooting.

76-9-102. Prohibitions

(1) Standards adopted by a state agency or unit of local government to limit levels of noise that may occur in the outdoor atmosphere may not apply to shooting ranges.

(2) Standards adopted by a state agency or unit of local government promulgated pursuant to Title 75 and concerning pollution by lead, copper, or brass may not limit or prohibit the operation of a shooting range because of lead, copper, or brass deposition resulting from shooting activities.

76-9-103. Planning--effect on shooting ranges

The laws of this state concerning planning or growth policies, as defined in 76-1-103, may not be construed to authorize an ordinance, resolution, or rule that would:

(1) prevent the operation of an existing shooting range as a nonconforming use;

(2) prohibit the establishment of new shooting ranges, but the ordinance, resolution, or rule may regulate the construction of shooting ranges to specified zones; or

(3) prevent the erection or construction of safety improvements on existing shooting ranges.

76-9-104. Zoning--effect on shooting ranges

A planning district growth policy, recommendation, resolution, rule, or zoning designation may not:

- (1) prevent the operation of an existing shooting range as a nonconforming use;
- (2) prohibit the establishment of new shooting ranges, but it may regulate the construction of shooting ranges to specified zones; or
- (3) prevent the erection or construction of safety improvements on existing shooting ranges.

76-9-105. Closure of shooting ranges--limitations--relocation cost

(1) Except as provided in subsection (2), an established shooting range may not be prevented from operation by a state agency, unit of local government, or court unless the range presents a clear and provable safety hazard to the adjacent population.

(2) If a pressing public need exists because of incompatibility with nearby population or land use, an established shooting range may be relocated by an agency of state government, unit of local government, or court, but only if all of the following conditions are met:

(a) pressing public need is documented through hearings, testimony, and a clear and precise statement of need by the agency, unit of local government, or court involved;

(b) the agency or unit of local government obtaining the closure pays the appraised cost of the land together with improvements to the operators of the shooting range. In return the shooting range operators shall relinquish their interest in the property to the agency or unit of local government obtaining the closure.

(3) If a shooting range presents a clear and provable safety hazard to adjacent population, the range may be suspended from operation if:

(a) reasonable notice and opportunity to respond are afforded the range operators; and

(b) reasonable opportunity is afforded the range operators to correct any safety defects.

NEBRASKA

Statute: Neb. Rev. St. § 37-1302

West's Revised Statutes of Nebraska Annotated Currentness

Chapter 37. Game and Parks

Article 13. Nebraska Shooting Range Protection Act

37-1302. Terms, defined

For purposes of the Nebraska Shooting Range Protection Act:

- (1) Firearm has the same meaning as in section 28-1201;
- (2) Person means an individual, association, proprietorship, partnership, corporation, club, political subdivision, or other legal entity;
- (3) Shooting range means an area or facility designated or operated primarily for the use of firearms or archery and which is operated in compliance with the act and the shooting range performance standards. Shooting range excludes shooting preserves or areas used for law enforcement or military training; and
- (4) Shooting range performance standards means the revised edition of the National Rifle Association's range source book titled A Guide To Planning And Construction adopted by the National Rifle Association, as such book existed on January 1, 2009, for the safe operation of shooting ranges.

37-1303. Rules and regulations; shooting range performance standards; review

- (1) The Game and Parks Commission shall adopt and promulgate as rules and regulations the shooting range performance standards.
- (2) The commission shall review the shooting range performance standards at least once every five years and revise them if necessary for the continuing safe operation of shooting ranges.

37-1304. Existing shooting range; effect of zoning provisions

Any shooting range that is existing and lawful may continue to operate as a shooting range notwithstanding, and without regard to, any law, rule, regulation, ordinance, or resolution related to zoning enacted thereafter by a city, county, village, or other political subdivision of the state, if operated in compliance with the shooting range performance standards.

37-1305. Existing shooting range; effect of noise provisions

Any shooting range that is existing and lawful may continue to operate as a shooting range notwithstanding, and without regard to, any law, rule, regulation, ordinance, or resolution related to noise enacted thereafter by any city, county, village, or other political subdivision of the state, except as provided in section 37-1308, if operated in compliance with the shooting range performance standards.

37-1306. Discharge of firearm at shooting range; how treated

No law, rule, regulation, ordinance, or resolution relating to the discharge of a firearm at a shooting range with respect to any shooting range existing and lawful shall be enforced by any city, county, village, or other political subdivision, except as provided in section 37-1308, if operated in compliance with the shooting range performance standards.

37-1307. Existing shooting range; permitted activities

A shooting range that is existing and lawful shall be permitted to do any of the following if done in compliance with the shooting range performance standards and generally applicable building and safety codes:

- (1) Repair, remodel, or reinforce any improvement or facilities or building or structure as may be necessary in the interest of public safety or to secure the continued use of the building or improvement;
- (2) Reconstruct, repair, rebuild, or resume the use of a facility or building; or
- (3) Do anything authorized under generally recognized operation practices, including, but not limited to:
 - (a) Expand or enhance its membership or opportunities for public participation; and
 - (b) Expand or increase facilities or activities within the existing range area.

37-1308. Hours of operation

A city, county, village, or other political subdivision of the state may limit the hours between 10:00 p.m. and 7:00 a.m. that an outdoor shooting range may operate.

37-1309. Presumption with respect to noise

A person who is shooting in compliance with the shooting range performance standards at a shooting range between the hours of 7:00 a.m. and 10:00 p.m. is presumed not to be engaging in unlawful conduct merely because of the noise caused by the shooting.

37-1310. Regulation of location and construction; limit on taking of property

(1) Except as otherwise provided in the Nebraska Shooting Range Protection Act, the act does not prohibit a city, county, village, or other political subdivision of the state from regulating the location and construction of a shooting range.

(2) A person, the state, or any city, county, village, or other political subdivision of the state shall not take title to property which has a shooting range by condemnation, eminent domain, or similar process when the proposed use of the property would be for shooting-related activities or recreational activities or for private commercial development. This subsection does not limit the exercise of eminent domain or easement necessary for infrastructure additions or improvements, such as highways, waterways, or utilities.

NEVADA

Statute: N.R.S. 40.140

West's Nevada Revised Statutes Annotated Currentness

Title 3. Remedies; Special Actions and Proceedings (Chapters 28-43)

Chapter 40. Actions and Proceedings in Particular Cases Concerning Property (Refs & Annos)

Actions for Nuisance, Waste and Willful Trespass on Real Property

40.140. Nuisance defined; action for abatement and damages; exceptions

1. Except as otherwise provided in this section:

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog;

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by the board of health; or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog; or

(d) A building or place regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang,

is a nuisance, and the subject of an action. The action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

2. It is presumed:

(a) That an agricultural activity conducted on farmland, consistent with good agricultural practice and established before surrounding nonagricultural activities is reasonable. Such activity does not constitute a nuisance unless the activity has a substantial adverse effect on the public health or safety.

(b) That an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

3. A shooting range does not constitute a nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range in operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range that begins operation after October 1, 1997.

A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

4. As used in this section:

(a) “Board of health” has the meaning ascribed to it in NRS 439.4797.

(b) “Controlled substance analog” has the meaning ascribed to it in NRS 453.043.

(c) “Criminal gang” has the meaning ascribed to it in NRS 193.168.

(d) “Immediate precursor” has the meaning ascribed to it in NRS 453.086.

(e) “Shooting range” means an area designed and used for archery or sport shooting, including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

NEW HAMPSHIRE

Statute: N.H. Rev. Stat. § 159-B:1

Revised Statutes Annotated of the State of New Hampshire Currentness

Title XII. Public Safety and Welfare (Ch. 153 to 174) (Refs & Annos)

Chapter 159-B. Shooting Ranges (Refs & Annos)

159-B:1 Exemption.

Notwithstanding the provisions of RSA 644:2, III(a) or any other law to the contrary, no person who owns, operates, or uses a shooting range in this state shall be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution, provided that the owners of the range are in compliance with any applicable noise control ordinances in existence at the time the range was established, was constructed, or began operations.

159-B:2 Injunctions.

The owners, operators, or users of shooting ranges shall not be subject to any action for nuisance and no court shall enjoin the use or operation of a range on the basis of noise or noise pollution, provided that the owners of the range are in compliance with any noise control ordinance that was in existence at the time the range was established, was constructed, or began operations.

159-B:3 Expansion.

Subsequent physical expansion of the shooting range or change in the types of firearms in use at the range shall not establish a new date of commencement of operations for the portion or portions in existence prior to the expansion for the purposes of this chapter.

159-B:4 Retroactivity Prohibited.

No administrative rule, statute, or ordinance adopted, enacted, or proposed by the state of New Hampshire or its political subdivisions shall be applied retroactively to prohibit or limit the scope of the shooting activities previously conducted at a shooting range, which was in operation prior to the adoption, enactment, enforcement, or proposal of the administrative rule, statute, or ordinance.

159-B:6 Exemption From State Standards.

No standard in rules adopted by any state agency for limiting levels of noise in terms of decibel level, which may occur in the outdoor atmosphere, shall apply to the shooting ranges exempted from liability under the provisions of this chapter.

159-B:7 Cause of Action.

The owners of a shooting range shall have a right of action in superior court to enforce the provisions of this chapter.

159-B:8 Definitions.

In this chapter:

I. “Noise” shall mean the intensity, duration, and character of sounds from shooting.

II. “Shooting range” shall mean a property or properties designed and operated for persons using rifles, shotguns, pistols, revolvers, or blackpowder weapons; archery; air rifles; silhouettes; skeet ranges; trap ranges; or other similar facilities.

NEW JERSEY

Statute: N.J.S.A. 13:1G-21.2

New Jersey Statutes Annotated Currentness

Title 13. Conservation and Development--Parks and Reservations (Refs & Annos)

Chapter 1G. Noise Control (Refs & Annos)

13:1G-21.2. Owner of shooting range; limited immunity from civil liability for noise

Notwithstanding the provisions of section 21 of P.L.1971, c. 418 (C.13:1G-21) to the contrary, an owner of a handgun, rifle, shotgun, skeet shooting or trapshooting range in this State shall be immune from liability where the liability is based upon noise resulting from normal operation of the range in any civil proceeding, or in any proceeding brought pursuant to the "Noise Control Act of 1971," P.L.1971, c. 418 (C.13:1G-1 et seq.).

Nothing in this section shall be deemed to grant immunity to any person causing damage by his willful, wanton, or grossly negligent act of commission or omission.

NEW MEXICO

Statute: N. M. S. A. 1978, § 17-8-3

West's New Mexico Statutes Annotated Currentness

Chapter 17. Game and Fish and Outdoor Recreation

Article 8. Sport Shooting Range

§ 17-8-3. Definition

As used in the Sport Shooting Range Act, a “sport shooting range” is an area designed and operated for the use of rifles, shotguns or pistols as a means of silhouette, skeet, trap, black powder or other sport shooting or firearms training.

§ 17-8-4. Immunity from nuisance actions based on noise or noise pollution

A. The use or operation of a sport shooting range shall not be enjoined as a nuisance on the basis of noise or noise pollution:

(1) if the sport shooting range is in compliance with noise control statutes, rules or ordinances that apply to the range and its operation at the time that the initial operation of the range commenced;

(2) due to changes made to noise control statutes, rules or ordinances that apply to the sport shooting range and its operation, if the changes take effect after the initial operation of the range commenced; or

(3) if noise control statutes, rules or ordinances were not in effect at the time that the original operation of the sport shooting range commenced.

B. The use or operation of a sport shooting range may not be enjoined as a nuisance on the basis of noise or noise pollution by a person who acquires an interest in real property adversely affected by the normal operation and use of a sport shooting range that commenced operation prior to the time the person acquired the interest in real property.

§ 17-8-5. Local government authority

The provisions of the Sport Shooting Range Act shall not prohibit a local government from regulating the location and construction of sport shooting ranges after July 1, 2002.

§ 17-8-6. Exemptions

The provisions of the Sport Shooting Range Act do not apply:

- A. to recovery for an act or omission relating to recklessness, negligence, wanton misconduct or willful misconduct in the operation or use of a sport shooting range;
- B. to a nuisance action on the basis of trespass involving the operation or use of a sport shooting range;
- C. to the operation or use of a sport shooting range that substantially and adversely affects public health or public safety; or
- D. if there has been a substantial change in the primary use of a sport shooting range.

NEW YORK

Statute: NY CLS Gen Bus § 150

Mckinney's Consolidated Laws of New York Annotated Currentness

General Business Law (Refs & Annos)

Chapter 20. Of the Consolidated Laws

Article 10. Shooting Ranges (Refs & Annos)

§ 150. Shooting ranges

1. In any action or proceeding commenced against an owner or user of a shooting range where one or more causes of action asserts a claim based on noise or noise pollution resulting from the inherent shooting activity on such shooting range, it shall be an affirmative defense that, at the time of the commencement of the action or proceeding, the shooting range is in compliance with any applicable noise control laws or ordinances, or, if the applicable noise control laws or ordinances have no legal force and effect against such owner or user or there are no applicable noise control laws or ordinances at the time of the effective date of this section, then the A-weighted sound level of small arms fire on the shooting range does not exceed 90 dB(A) for one hour out of a day, or does not exceed 85 dB(A) for eight hours out of a day measured at, or adjusted to, a distance of one hundred feet outside the real property boundary of the shooting range. An owner or user may move for judgment dismissing one or more causes of action asserted against him on the ground that a cause of action cannot be maintained because of such affirmative defense.

2. Nothing in this section shall in any way limit the rights or remedies which are otherwise available to a person under any other law.

3. Notwithstanding the provisions of subdivisions one and two of this section, no shooting range shall be operated during the period from 10:00 PM until 7:00 AM unless a local law or ordinance specifically authorizes the operation of a shooting range during all or any portion of such time period.

4. For the purposes of this section:

(a) "Shooting range" shall mean an outdoor range equipped with targets for use with firearms and shall include, but not be limited to, all rifle, pistol and shotgun ranges.

(b) "A-weighted sound level" shall mean the sound pressure level measured by the use of an instrument with the metering characteristics and A-weighting frequency response prescribed by sound level meters using the impulse response mode.

(c) “Sound pressure level” shall mean twenty times the logarithm to the base ten of the ratio of the root mean squared pressure of a sound to a reference pressure of twenty micropascals. The unit applied to this measure shall be the decibel (dB).

(d) “Small arms” shall mean projectile firearms of small caliber, including rifles, pistols, and shotguns.

NORTH CAROLINA

Statute: N.C.G.S.A. § 14-409.45

West's North Carolina General Statutes Annotated Currentness

Chapter 14. Criminal Law

Subchapter XI. General Police Regulations

Article 53C. Sport Shooting Range Protection Act of 1997

§ 14-409.45. Definitions

The following definitions apply in this Article:

- (1) Person.--An individual, proprietorship, partnership, corporation, club, or other legal entity.
- (2) Sport shooting range or range.--An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.
- (3) Substantial change in use.--The current primary use of the range no longer represents the activity previously engaged in at the range.

§ 14-409.46. Sport shooting range protection

- (a) Notwithstanding any other provision of law, a person who owns, operates, or uses a sport shooting range in this State shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range was in existence at least three years prior to the effective date of this Article and the range was in compliance with any noise control laws or ordinances that applied to the range and its operation at the time the range began operation.
- (b) A person who owns, operates, or uses a sport shooting range is not subject to an action for nuisance on the basis of noise or noise pollution, and a State court shall not enjoin the use or operation of a range on the basis of noise or noise pollution, if the range was in existence at least three years prior to the effective date of this Article and the range was in compliance with any noise control laws or ordinances that applied to the range and its operation at the time the range began operation.
- (c) Rules adopted by any State department or agency for limiting levels of noise in terms of decibel level that may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this Article.
- (d) A person who acquires title to real property adversely affected by the use of property with a permanently located and improved sport shooting range constructed and initially operated prior to the time the person acquires title shall not maintain a nuisance action on the basis of noise or

noise pollution against the person who owns the range to restrain, enjoin, or impede the use of the range. If there is a substantial change in use of the range after the person acquires title, the person may maintain a nuisance action if the action is brought within one year of the date of a substantial change in use. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

(e) A sport shooting range that is operated and is not in violation of existing law at the time of the enactment of an ordinance and was in existence at least three years prior to the effective date of this Article, shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance, provided there has been no substantial change in use.

§ 14-409.47. Application of Article

Except as otherwise provided in this Article, this Article does not prohibit a local government from regulating the location and construction of a sport shooting range after the effective date of this Article.

NORTH DAKOTA

Statute: NDCC, 42-01-01.1

West's North Dakota Century Code Annotated Currentness

Title 42. Nuisances

Chapter 42-01. General Provisions

§ 42-01-01.1. Sport shooting range deemed not a nuisance

If a sport shooting range has been in operation for one year since the date on which it began operation as a sport shooting range, it does not become a public or private nuisance as a result of changed conditions in or around the locality of the sport shooting range. If a sport shooting range remains in compliance with noise control or nuisance abatement rules or ordinances in effect on the date on which it commenced operation, it is not subject to a civil or criminal action resulting from or relating to noise generated by the operation of the sport shooting range. A person who acquires title to real property that is adversely affected by the operation of a permanently located and improved sport shooting range constructed and initially operated before that person acquired title to the property adversely affected may not maintain a civil action on the basis of noise or noise pollution against the person who owns or operates the sport shooting range. A rule, resolution, or ordinance relating to noise control, noise pollution, or noise abatement adopted by the state or a political subdivision may not be applied to prohibit the operation of a sport shooting range, provided the conduct was lawful and being conducted before the adoption of the rule, resolution, or ordinance. Except as otherwise provided in this section, a political subdivision may regulate the location and construction of a sport shooting range after August 1, 1999. Notwithstanding any other provision of law, a county or city enacting a home rule charter under chapter 11-09.1, 40-05.1, or 54-40.4 may not regulate a sport shooting range except as otherwise provided in this section. As used in this section, sport shooting range means an area designated and operated by a person for the sport shooting of firearms or any area so designated and operated by the state or a political subdivision, regardless of the terms for admission to the sport shooting range.

OHIO

Statute: R.C. § 1533.83

Baldwin's Ohio Revised Code Annotated Currentness

Title XV. Conservation of Natural Resources

Chapter 1533. Hunting; Fishing (Refs & Annos)

Noise Rules for Shooting Ranges

1533.83 Definitions

As used in sections 1533.83 to 1533.85 of the Revised Code:

- (A) “Political subdivision” means a municipal corporation, township, county, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.
- (B) “Shooting range” means a facility operated for the purpose of shooting with firearms or archery equipment, whether publicly or privately owned and whether or not operated for profit, including, but not limited to, commercial bird shooting preserves and wild animal hunting preserves established pursuant to this chapter. “Shooting range” does not include a facility owned or operated by a municipal corporation, county, or township police district.
- (C) “Harm” means injury, death, or loss to person or property.
- (D) “The chief’s noise rules” means the rules of the chief of the division of wildlife that are adopted pursuant to section 1533.84 of the Revised Code and that pertain to the limitation or suppression of noise at a shooting range or to the hours of operation of shooting ranges.
- (E) “The chief’s public safety rules” means the rules of the chief of the division of wildlife that are adopted pursuant to section 1533.84 of the Revised Code and that pertain to public safety, including standards for the reconstruction, enlargement, remodeling, or repair of any structure or facility that is part of a shooting range.

1533.84 Adoption of noise rules

The chief of the division of wildlife, in accordance with section 1531.10 of the Revised Code, shall adopt rules establishing generally accepted standards for shooting ranges. These rules shall be no more stringent than national rifle association standards, and include standards for the limitation and suppression of noise, standards for the hours of operation of shooting ranges of the various types and at the various locations of ranges, and standards for public safety. The rules may include standards for the reconstruction, enlargement, remodeling, or repair of any structure or facility that is part of a shooting range provided that any local laws creating standards for the reconstruction, enlargement, remodeling, or repair of structures or facilities that apply generally

to all structures or facilities and not exclusively or primarily to shooting ranges also shall apply to shooting ranges. Nothing in this section limits the authority of a county or township board of zoning appeals to issue or deny conditional zoning certificates for the reconstruction, enlargement, remodeling, or repair of an existing shooting range pursuant to division (C) of section 303.14 or division (C) of section 519.14 of the Revised Code or the authority of a board of county commissioners or board of township trustees relating to the completion, restoration, reconstruction, extension, or substitution of nonconforming uses pursuant to section 303.19 or 519.19 of the Revised Code. At the time of its establishment, a shooting range shall comply with all existing local ordinances, regulations, or laws.

The chief of the division of wildlife shall consult with a representative sample of persons and organizations that own, operate, or use shooting ranges and persons and organizations that represent counties, townships, municipal corporations, and holders of real property adjoining shooting ranges prior to filing or amending the rules required or authorized under this section in accordance with section 1531.10 of the Revised Code. A draft copy of the chief's proposed rules or any subsequent amendments to the rules shall be submitted to representatives of the above-listed organizations, who shall be given thirty days to review and submit written comments on the draft rules to the chief. The chief shall consider but not be bound by the written comments and, after giving due regard to the public interests, shall file the initial rules in accordance with section 1531.10 of the Revised Code within one hundred eighty days after the effective date of this section.

1533.85 Immunities regarding noise at shooting ranges

(A)(1) The owner, operator, or user of a shooting range is not liable in damages in a civil action to any person for harm that allegedly is caused by the creation of noise at the shooting range or the failure to limit or suppress noise at the shooting range if the owner, operator, or user substantially complies with the chief's noise rules.

(2)(a) Division (A) of this section does not create a new cause of action or substantive legal right against an owner, operator, or user of a shooting range.

(b) Division (A) of this section does not affect any immunities from or defenses to civil liability established by other sections of the Revised Code or available at common law to which the owner, operator, or user of a shooting range may be entitled.

(c) Division (A) of this section shall apply only to harm that occurs on or after the effective date of this section.

(d) Division (A) of this section does not confer an immunity from civil liability in relation to an owner's, operator's, or user's actions or omissions that constitute negligence, willful or wanton misconduct, or intentionally tortious conduct if those actions or omissions are not the subject of the chief's noise rules or are not in substantial compliance with the chief's noise rules.

(B) The owner, operator, or user of a shooting range is not subject to criminal prosecution under any section of the Revised Code, or under any ordinance, resolution, or regulation of a political subdivision, that relates to the creation, limitation, or suppression of noise if the conduct of the

owner, operator, or user that allegedly violates the section, ordinance, resolution, or regulation substantially complies with the chief's noise rules.

(C) Notwithstanding any contrary provision of law, the courts of common pleas, municipal courts, housing divisions of municipal courts, and county courts of this state shall not grant injunctive relief under Chapter 3767. or any other section of the Revised Code, under an ordinance, resolution, or regulation of a political subdivision, or under the common law of this state against the owner or operator of a shooting range in a nuisance action if the court determines that the owner's or operator's actions or omissions that are the subject of a complaint substantially complied with the chief's noise rules or the chief's public safety rules, whichever

OKLAHOMA

Statute: 63 Okl.St. Ann. § 709.2

Oklahoma Statutes Annotated Currentness

Title 63. Public Health and Safety (Refs & Annos)

Chapter 30. Shooting Galleries

Shooting Ranges

§ 709.2. Noise--Exemption from liability

A. Notwithstanding any municipal ordinance or rule regulating noise to the contrary, a governmental official may not seek a civil or criminal penalty or injunction against a shooting range, or its owner or operators, on the basis of noise emanating from the range, provided the noise at the property line of the shooting range does not exceed one hundred fifty (150) decibels.

B. No person shall bring any suit in law or equity or any other claim for relief against a shooting range, or its owners or operators, based upon noise emanating from the shooting range, provided the noise at the property line of the range does not exceed one hundred fifty (150) decibels.

C. Notwithstanding any law to the contrary, any ordinance or rule relating to noise adopted by any local unit of government, whether before, on, or after the effective date of this act, shall not be deemed to be enforceable against a shooting range, provided the noise at the property line of the range does not exceed one hundred fifty (150) decibels. The ordinance or rule shall not serve as the basis for any suit in law or equity, whether brought by a governmental official or person. In no event shall the provisions of this subsection affect the outcome of any suit brought prior to the effective date of this act in which a final order of judgment or relief has been entered.

OREGON

Statute: *O.R.S. § 467.131, 33, 36*

West's Oregon Revised Statutes Annotated

Title 36. Public Health and Safety (Refs & Annos)

Chapter 467. Noise Control (Refs & Annos)

467.131. Civil or criminal liability exemptions, noise from shooting range

Any owner, operator or lessee of a rifle, pistol, silhouette, skeet, trap, blackpowder or other shooting range in this state shall be immune from civil or criminal liability based upon an allegation of noise or noise pollution so long as:

- (1) The allegation results from the normal and accepted activity on the shooting range;
- (2) The owner, operator or lessee complied with any applicable noise control law or ordinance existing at the time construction of the shooting range began or no noise control law or ordinance was then existing; and
- (3) The allegation results from activity on the shooting range occurring between 7 a.m. and 10 p.m. or conducted for law enforcement training purposes.

467.133. Nuisance action based on noise caused by shooting range, exemptions

The owner, operator or lessee of a rifle, pistol, silhouette, skeet, trap, blackpowder or other shooting range in this state shall not be subject to any action for nuisance and no court in this state shall enjoin the use or operation of such shooting range on the basis of noise or noise pollution so long as:

- (1) The allegation results from the normal and accepted activity on the shooting range;
- (2) The owner, operator or lessee complied with any applicable noise control law or ordinance existing at the time construction of the shooting range began or no noise control law or ordinance was then existing; and
- (3) The allegation results from activity occurring between 7 a.m. and 10 p.m. or conducted for law enforcement training purposes.

467.136. Local regulation of shooting ranges, preemption

Any local government or special district ordinance or regulation now in effect or subsequently adopted that makes a shooting range a nuisance or trespass or provides for its abatement as a

nuisance or trespass is invalid with respect to a shooting range for which no action or claim is allowed under ORS 467.131 and 467.133.

PENNSYLVANIA

Statute: 35 P.S. § 4501

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness

Title 35 P.S. Health and Safety (Refs & Annos)

Chapter 23A. Noise Pollution

§ 4501. General immunity for noise

All owners of rifle, pistol, silhouette, skeet, trap, blackpowder or other ranges in this Commonwealth shall be exempt and immune from any civil action or criminal prosecution in any matter relating to noise or noise pollution resulting from the normal and accepted shooting activity on ranges, provided that the owners of the ranges are in compliance with any applicable noise control laws or ordinances extant at the time construction of the range was initiated. If there were no noise control laws or ordinances extant at the time construction of the range was initiated, then the immunity granted by this act shall apply to said ranges.

§ 4502. Nuisances and injunction

The owners of the ranges shall not be subject to any action for nuisance, and no court in this Commonwealth shall enjoin the use or operation of the ranges on the basis of noise or noise pollution, provided that the owners of the ranges are in compliance with any applicable noise control laws or ordinances extant at the time construction of the range was initiated. If there were no noise control laws or ordinances extant at the time construction of the range was initiated, then the immunity granted by this act shall apply to said ranges.

RHODE ISLAND

Statute: Gen.Laws 1956, § 11-47-62

West's General Laws of Rhode Island Annotated Currentness

Title 11. Criminal Offenses

Chapter 47. Weapons

§ 11-47-62. Rifle Ranges--Immunity from prosecution--Criminal or civil

(a) Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, it shall be lawful for an owner of a rifle, pistol, silhouette, archery, skeet, trap, black powder, or other similar range to operate the range in excess of the applicable noise or noise pollution, law, ordinance or by-law, provided the owner of the range continues to be in compliance with any applicable noise control law, ordinance or by-laws in existence at the time of the construction of the range. No owner shall be liable in any action for nuisance, and no court shall enjoin the use or operation of the range on the basis of noise or noise pollution, provided the owner continues to be in compliance with any noise control law, ordinance or by-laws in effect at the time of the construction of the range.

(b) No standards in rules adopted by any state, city or town agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall apply to the ranges exempted from liability under the provisions of this section.

(c) Nothing in this section shall be construed to authorize or permit an owner of a rifle, pistol, silhouette, archery, skeet, trap, black powder, or other similar range to change the use and/or type of said range, or to expand the use and/or type of the range.

SOUTH CAROLINA

Statute: S.C. Code 1976 § 31-18-20, 30, 40, 50, 60

Code of Laws of South Carolina 1976 Annotated Currentness

Title 31. Housing and Redevelopment

Chapter 18. Shooting Range Protection Act

§ 31-18-20. Definitions.

As used in this chapter:

(1) “shooting range” or “range” means an area that is:

(a) designated, utilized, and operated by a person for the firing of firearms; where

(b) the firing of firearms is the usual, regular, and primary activity occurring in the area; and where

(c) the improvements, size, geography, and vegetation of the area are such that a projectile discharged from a firearm at a target would not reasonably be expected to escape its boundaries by virtue of the trajectory of the projectile, or by virtue of a backstop, berm, bullet trap, impact barrier, or similar device designed to prevent the escape of such projectiles.

(2) “person” means an individual, partnership, limited liability company, corporation, club, association, governmental entity, or other legal entity.

(3) “substantial change in use” or “substantial change in the use” means that the current primary use of the range no longer represents the activity previously engaged in at the range.

§ 31-18-30. Nuisance action.

(A) Except as provided in this subsection, a person may not maintain a nuisance action for noise against a shooting range, or the owners, operators, or users of the range, located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in the use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within three years from the beginning of the substantial change.

(B) A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that shooting range, or the owners, operators, or users of the range, only if the action is brought within five years after establishment of the range or three years after a substantial change in use of the range.

(C) If there has been no shooting activity at a range for a period of three years, resumption of shooting is considered establishment of a new shooting range for purposes of this section. The three-year period shall be tolled if shooting activity ceases due to legal action against the shooting range or the owners, operators, or users of the shooting range.

§ 31-18-40. Application of noise control ordinance.

(A) A county, municipal, or state noise control ordinance, rule, or regulation may not require or be applied to require a shooting range to limit or eliminate shooting activities that have occurred on a regular basis before January 1, 2000.

(B) A county, municipal, or state noise control ordinance, rule, or regulation may not be applied to a shooting range that was in compliance with a noise control ordinance as of the date of its establishment, provided there is no substantial change in the use of the range subsequent to its initial compliance.

(C) A county, municipal, or state noise control ordinance, rule, or regulation may not be applied to a shooting range that was in existence prior to the enactment of a noise control ordinance, rule, or regulation, provided there is no substantial change in the use of the range.

§ 31-18-50. Local regulation of location and construction of new shooting range.

Except as otherwise provided in this chapter or the law of this State, this chapter does not prohibit a local government from regulating the location and construction of a new shooting range after the effective date of this chapter.

§ 31-18-60. Notification of proximity of shooting range.

Each county in this State in which there is an existing shooting range or in which a shooting range is established must prominently display a sign at a one-mile radius of each shooting range on all primary highways to notify the public that they are entering the area of a shooting range which shall bear the following inscription:

“SHOOTING RANGE--NOISE AREA”

The sign must conform to the Manual of Uniform Traffic Control Devices and the policies of the Department of Transportation. The cost of fabricating the sign must be paid by the shooting range. Any shooting range in existence prior to January 1, 2000, must have a sign installed by January 1, 2001.

SOUTH DAKOTA

Statute: *SDCL § 21-10-28, 29, 30, 31, 32, 33, 34*

South Dakota Codified Laws Currentness

Title 21. Judicial Remedies

Chapter 21-10. Remedies Against Nuisances (Refs & Annos)

21-10-28. Normal operation and use of sport shooting range not a nuisance

The use or operation of a sport shooting range may not be enjoined as a nuisance if the range is in compliance with those statutes, regulations, and ordinances that applied to the range and its operation at the time when the initial operation of the range commenced. The use or operation of a sport shooting range may not be enjoined as a nuisance due to any subsequent change in any statute, regulation, or ordinance pertaining to the normal operation and use of sport shooting ranges.

21-10-29. Injunction not available to certain adversely affected property owners

The use or operation of a sport shooting range may not be enjoined as a nuisance by a person who acquires title to real property adversely affected by the normal operation and use of a sport shooting range which commenced operation prior to the time the person acquired title.

21-10-30. Recovery based on negligence or willful or wanton misconduct not precluded

The provisions of §§ 21-10-28 to 21-10-34, inclusive, do not apply to any recovery for any act or omission relating to the operation or use of any sport shooting range based on negligence or willful or wanton misconduct.

21-10-31. Provisions inapplicable where substantial change in primary use has occurred

The provisions of §§ 21-10-28 to 21-10-34, inclusive, do not apply if there has been a substantial change in the primary use of a sport shooting range.

21-10-32. Regulation of sport shooting ranges not prohibited

Sections 21-10-28 to 21-10-34, inclusive, do not prohibit a local government from regulating the location and construction of sport shooting ranges after July 1, 1999.

21-10-33. "Sport shooting range" defined

For the purposes of §§ 21-10-28 to 21-10-34, inclusive, a sport shooting range is an area designed and operated for the use of rifles, shotguns, or pistols as a means of silhouette, skeet, trap, black powder, or other sport shooting. A sport shooting range includes a law enforcement shooting range.

21-10-34. Prospective application of §§ 21-10-28 to 21-10-33

The provisions of §§ 21-10-28 to 21-10-34, inclusive, apply prospectively and do not apply to any action filed before July 1, 1999.

TENNESSEE

Statute: T. C. A. § 39-17-316

West's Tennessee Code Annotated Currentness

Title 39. Criminal Offenses

Chapter 17. Offenses Against Public Health, Safety and Welfare

Part 3. Disorderly Conduct and Riots (Refs & Annos)

§ 39-17-316. Sport shooting ranges; definitions; noise pollution or nuisance actions

(a) As used in this section, unless the context otherwise requires:

(1) “Local unit of government” means a county, municipality, metropolitan government, or other entity of local government;

(2) “Person” means an individual, proprietorship, partnership, corporation, club, or other legal entity; and

(3) “Sport shooting range” or “range” means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity.

(b)(1) A person who operates or uses a sport shooting range is not subject to civil or criminal liability for noise or noise pollution, nuisance or any other claim not involving physical injury to another human, resulting from the operation or use of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable noise control laws, resolutions, ordinances or regulations issued by a unit of local government, that applied to the range at the time that the range began operation.

(2) A person or entity that operates or uses a sport shooting range is not subject to an action for nuisance, abatement, or any other type of action or proceeding which would have the effect of limiting, reducing, eliminating or enjoining the use or operation of the sport shooting range as a sport shooting range if the sport shooting range is in compliance with any applicable noise control laws, resolutions, ordinances or regulations issued by a unit of local government, that applied to the range and its operation at the time that the range began operation.

(3) A person who subsequently acquires title to or who owns real property adversely affected by the use of property with a sport shooting range shall not maintain any action against the owner of the range to restrain, enjoin, or impede the use of the range except to the extent allowed by this section.

(4) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level that may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this section.

(5) Notwithstanding any other provision of law to the contrary, nothing in this section shall be construed to limit civil liability for compensatory damage arising from physical injury to another human, physical injury to tangible personal property, or physical injury to fixtures or structures placed on real property.

(c) To the extent that any sport shooting range has been issued permission, whether by special exception, variance, or otherwise, by any entity having zoning or zoning appeal authority to operate as a range, the right to operate as a range shall not be amended, restricted, or terminated due to a change of circumstances regarding the use of adjacent or surrounding properties. Further, with respect to any sport shooting range that is open to the public and was in continuous operation for at least thirty (30) years immediately preceding December 16, 2008, the right to operate as a shooting range shall not be amended, restricted or terminated due to any land use planning or zoning applicable to the shooting range's location if:

(1) The shooting positions operate no closer than:

(A) One hundred fifty feet (150') from any adjoining boundary line or county road that extends from the southeast corner to the southwest corner;

(B) One hundred eighty feet (180') from any adjoining boundary line that extends from the southwest corner to the northwest corner;

(C) One hundred eighty feet (180') from any adjoining boundary line that extends from the northwest corner to the northeast corner;

(D) One hundred eighty feet (180') from any adjoining boundary line or county road that extends from the northeast corner to the southeast corner; and

(E) One hundred eighty feet (180') from any adjoining residential property boundary line, notwithstanding subdivisions (c)(1)(A)-(D); and

(2) Any vegetation between the appropriate distance requirement described in subdivision (c)(1) and the adjoining boundary line or county road remains undisturbed.

(d) With respect to any range that is open to the public and that begins operation after July 1, 2004, and for which there are no local zoning resolutions, ordinances or regulations affecting its establishment as a sport shooting range as of the date it began operation, the range shall not be protected by the exemptions from nuisance actions contained herein until one (1) year after the date the sport shooting range begins operation.

TEXAS

Statute: V.T.C.A., Tex. Civ. Prac. & Rem. Code § 128.001

§ 128.001. Limitation on Right to Bring Suit or Recover Damages

(a) In this section:

(1) "Governmental unit" means:

(A) a political subdivision of the state, including a municipality or county; and

(B) any other agency of government whose authority is derived from the laws or constitution of this state.

(2) "Sport shooting range" has the meaning assigned by *Section 250.001, Local Government Code*.

(b) Except as provided by Subsections (c) and (f), a governmental unit may not bring suit against:

(1) a firearms or ammunition manufacturer, trade association, or seller for recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the lawful design, manufacture, marketing, or sale of firearms or ammunition to the public; or

(2) a sport shooting range, the owners or operators of a sport shooting range, or the owners of real property on which a sport shooting range is operated, for the lawful discharge of firearms on the sport shooting range.

(c) A governmental unit on behalf of the state or any other governmental unit may bring a suit described by Subsection (b) if the suit is approved in advance by the legislature in a concurrent resolution or by enactment of a law. This subsection does not create a cause of action.

(d) Nothing in this section shall prohibit a governmental unit from bringing an action against a firearms manufacturer, trade association, or seller for recovery of damages for:

(1) breach of contract or warranty as to firearms or ammunition purchased by a governmental unit;

(2) damage or harm to property owned or leased by the governmental unit caused by a defective firearm or ammunition;

(3) personal injury or death, if such action arises from a governmental unit's claim for subrogation;

- (4) injunctive relief to enforce a valid ordinance, statute, or regulation; or
- (5) contribution under Chapter 33, Civil Practice and Remedies Code.

(e) Nothing in this section shall prohibit the attorney general from bringing a suit described by Subsection (b) on behalf of the state or any other governmental unit. This subsection does not create a cause of action.

(f) Nothing in this section shall prohibit a governmental unit from bringing an action against a sport shooting range, the owners or operators of a sport shooting range, or the owners of real property on which a sport shooting range is operating if the sport shooting range began operation after September 1, 2011, and operates exclusively within the governmental unit's geographical limits, exclusive of the governmental unit's extraterritorial jurisdiction:

(1) for injunctive relief to enforce a valid ordinance, statute, or regulation; or

(2) to require the sport shooting range to comply with generally accepted standards followed in the sport shooting range industry in this state at the time of the sport shooting range's construction.

§ 128.051. Definitions

In this subchapter:

(1) "Claim" means any relief sought in a civil action, including all forms of monetary recovery or injunctive relief.

(2) "Claimant" has the meaning assigned by Section 41.001.

(3) "Expert" means a person who is:

(A) giving opinion testimony about the appropriate standard of care for a sport shooting range, an owner or operator of a sport shooting range, or the owner of real property on which a sport shooting range is operated, or the causal relationship between the injury, harm, or damages claimed and the alleged departure from the applicable standard of care; and

(B) qualified to render opinions on the standards and causal relationship described by Paragraph (A) under the Texas Rules of Evidence.

(4) "Expert report" means a written report by an expert that provides a fair summary of the expert's opinions as of the date of the report regarding applicable standards of care for operation of a sport shooting range, the manner in which a defendant failed to meet the standards, and the causal relationship between that failure and the injury, harm, or damages claimed.

(5) "Sport shooting range" has the meaning assigned by *Section 250.001, Local Government Code*.

§ 128.052. Limitation on Civil Action and Recovery of Damages

(a) Except as provided by Subsection (b), a civil action may not be brought against a sport shooting range, the owner or operator of a sport shooting range, or the owner of the real property on which a sport shooting range is operated for recovery of damages resulting from, or injunctive relief or abatement of a nuisance relating to, the discharge of firearms.

(b) Nothing in this section prohibits a civil action against a sport shooting range, the owner or operator of a sport shooting range, or the owner of the real property on which a sport shooting range is operated for recovery of damages for:

(1) breach of contract for use of the real property on which a sport shooting range is located;

(2) damage or harm to private property caused by the discharge of firearms on a sport shooting range;

(3) personal injury or death caused by the discharge of a firearm on a sport shooting range;
or

(4) injunctive relief to enforce a valid ordinance, statute, or regulation.

(c) Damages may be awarded, or an injunction may be obtained, in a civil action brought under this section if the claimant shows by a preponderance of the evidence, through the testimony of one or more expert witnesses, that the sport shooting range, the owner or operator of the sport shooting range, or the owner of real property on which the sport shooting range is operated deviated from the standard of care that is reasonably expected of an ordinarily prudent sport shooting range, owner or operator of a sport shooting range, or owner of real property on which a sport shooting range is operated in the same or similar circumstances.

§ 128.053. Expert Report

(a) In a suit against a sport shooting range, an owner or operator of a sport shooting range, or the owner of real property on which a sport shooting range is operated, a claimant shall, not later than the 90th day after the date the original petition was filed, serve on each party or the party's attorney one or more expert reports, with a curriculum vitae of each expert listed in the report for each defendant against whom a claim is asserted. The date for serving the report may be extended by written agreement of the affected parties. Each defendant whose conduct is

implicated in a report must file and serve any objection to the sufficiency of the report not later than the 21st day after the date the report is served or all objections are waived.

(b) If, as to a defendant, an expert report has not been served within the period specified by Subsection (a), the court, on the motion of the affected defendant, shall, subject to Subsection (c), enter an order that:

(1) awards to the affected defendant attorney's fees and costs of court incurred by the defendant; and

(2) dismisses the claim with prejudice with respect to the affected defendant.

(c) If an expert report has not been served within the period specified by Subsection (a) because elements of the report are found deficient, the court may grant one extension of not more than 30 days to the claimant in order to cure the deficiency. If the claimant does not receive notice of the court's ruling granting the extension until after the 90th day after the date the deadline has passed, then the 30-day extension runs from the date the plaintiff first receives the notice.

(d) Notwithstanding any other provision of this section, a claimant may satisfy any requirement of this section for serving an expert report by serving reports of separate experts regarding different defendants or regarding different issues arising from the conduct of a defendant, including issues of liability and causation. Nothing in this section shall be construed to mean that a single expert must address all liability and causation issues with respect to all defendants or with respect to both liability and causation issues for a defendant.

(e) A court shall grant a motion challenging the adequacy of an expert report only if it appears to the court, after a hearing, that the report does not represent an objective, good faith effort to comply with the requirements of an expert report.

(f) Until a claimant has served the expert report and curriculum vitae as required by Subsection (a), all discovery is stayed except that after a claim is filed all claimants, collectively, may take not more than two depositions before the expert report is served as required by Subsection (a).

UTAH

Statute: U.C.A. 1953 § 47-3-1

West's Utah Code Annotated Currentness

Title 47. Nuisances

Chapter 3. Shooting Ranges

§ 47-3-1. Definition

As used in this chapter, “shooting range” or “range” means an area designed and continuously operated under nationally recognized standards and operating practices for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar shooting activities.

§ 47-3-2. Assumption of risk

Each person who participates in shooting at a shooting range accepts the associated risks to the extent the risks are obvious and inherent. Those risks include injuries that may result from noise, discharge of projectile or shot, malfunction of shooting equipment not owned by the shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare spots, rocks, trees, and other forms of natural growth or debris.

§ 47-3-3. When nuisance action permitted

(1) Each state agency or political subdivision shall ensure that any of its rules or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition any shooting range that was established, constructed, or operated prior to the implementation of the rule or ordinance regarding public nuisance unless that activity or operation substantially and adversely affects public health or safety.

(2) A person who operates or uses a shooting range in this state is not subject to civil liability or criminal prosecution for noise or noise pollution resulting from the operation or use of the range if:

(a) the range:

(i) was established, constructed, or operated prior to the implementation of any noise ordinances, rules, or regulations; and

(ii) does not substantially and adversely affect public health or safety; or

(b) the range:

(i) is in compliance with any noise control laws, ordinances, rules, or regulations that applied to the range and its operation at the time of establishment, construction, or initial operation of the range; and

(ii) does not substantially and adversely affect public health or safety.

(3) For the purposes of this section, noise generated by a shooting range that is operated in accordance with nationally recognized standards and operating practices is not a public health nuisance.

(4) For any new subdivision development located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed, or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the county recorder the following notice:

“Shooting Range Area

This property is located in the vicinity of an established shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities.”

VERMONT

Statute: 10 V.S.A. § 5227

West's Vermont Statutes Annotated Currentness

Title Ten. Conservation and Development

Part 4. Fish and Wildlife Conservation

Chapter 119. Private Preserves, Propagation Farms, Private Ponds, Refuges, and Shooting Grounds

§ 5227. Sport shooting ranges; municipal and state authority

(a) “Sport shooting range” or “range” means an area designed and operated for the use of archery, rifles, shotguns, pistols, skeet, trap, black powder, or any other similar sport shooting.

(b) The owner or operator of a sport shooting range, and a person lawfully using the range, who is in substantial compliance with any noise use condition of any issued municipal or state land use permit otherwise required by law shall not be subject to any civil liability for damages or any injunctive relief resulting from noise or noise pollution, notwithstanding any provision of law to the contrary.

(c) If no municipal or state land use permit is otherwise required by law, then the owner or operator of the range and any person lawfully using the range shall not be subject to any civil liability for damages or any injunctive relief relating to noise or noise pollution.

(d) Nothing in this section shall prohibit or limit the authority of a municipality or the state to enforce any condition of a lawfully issued and otherwise required permit.

(e)(1) In the event that the owner, operator, or user of a range is not afforded the protection set forth in subsection (b) or (c) of this section, this subsection shall apply. A nuisance claim against a range may only be brought by an owner of property abutting the range. The range shall have a rebuttable presumption that the range does not constitute any form of nuisance if the range meets the following conditions:

(A) the range was established prior to the acquisition of the property owned by the person bringing the nuisance claim; and

(B) the frequency of the shooting or other alleged nuisance activity at the range has not significantly increased since acquisition of the property owned by the person bringing the nuisance claim.

(2) The presumption that the range does not constitute a nuisance may be rebutted only by an abutting property owner showing that the activity has a noxious and significant interference with the use and enjoyment of the abutting property.

(f) Prior to use of a sport shooting range after dark for purposes of training conducted by a federal, state, county, or municipal law enforcement agency, the sport shooting range shall notify those homeowners and businesses with property abutting the range that have requested such notice from the range.

(g) If any subsection of this section is held invalid, the invalidity does not affect the other subsections of this section that can be given effect without the invalid subsection, and for this purpose, the subsections of this section are severable.

§ 5227a. Sport shooting range alternative dispute resolution

Upon request of a homeowner or business that owns property abutting a sport shooting range, a range shall, at least once, attempt to resolve through mediation an issue or dispute that the homeowner or business has concerning operation of the range. The parties to such mediation may agree upon the use of a mediator to assist in the resolution of the agreed upon issue or dispute, and the parties shall share the cost of the mediator. If the parties to the mediation are unable to resolve the relevant issue or dispute through mediation, the parties may agree to submit the issue or dispute to binding arbitration pursuant to chapter 192 of Title 12 and shall share the cost of the arbitration.

VIRGINIA

Statute: VA Code Ann. § 15.2-917

West's Annotated Code of Virginia Currentness

Title 15.2. Counties, Cities and Towns (Refs & Annos)

Subtitle II. Powers of Local Government

Chapter 9. General Powers of Local Governments (Refs & Annos)

Article 1. Public Health and Safety; Nuisances (Refs & Annos)

§ 15.2-917. Applicability of local noise ordinances to certain sport shooting ranges

A. No local ordinance regulating any noise shall subject a sport shooting range to noise control standards more stringent than those in effect at its effective date. The operation or use of a sport shooting range shall not be enjoined on the basis of noise, nor shall any person be subject to action for nuisance or criminal prosecution in any matter relating to noise resulting from the operation of the range, if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range.

B. Any sport shooting range operating or approved for construction within the Commonwealth, which has been condemned through an eminent domain proceeding by any condemning entity, and which relocates to another site within the same locality within two years of the final condemnation order, shall not be subjected to any noise control standard more stringent than those in effect at the effective date of such sport shooting range.

C. For purposes of this section, “sport shooting range” means an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

For purposes of this section, “effective date” means the time the construction or operation of the sports shooting range initially was approved, or at the time any application was submitted for the construction or operation of the sports shooting range, whichever is earliest.

WASHINGTON

Statute:

Washington has not codified a range protection statute. However, the Washington State Legislature passed House Bill 1508 on February 13, 2012:

AN ACT Relating to protecting sport shooting ranges; and adding a new section to chapter 9.41 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 9.41 RCW to read as follows:

(1) In any nuisance action based on noise or noise pollution brought against a person who owns or operates a permanently located and improved sport shooting range, it is an affirmative defense to the nuisance action that the sport shooting range was in operation prior to the date the plaintiff acquired title to the real property adversely affected by the use of the sport shooting range and that there has not been a substantial change in the nature of the use of the sport shooting range since the date the plaintiff acquired title to the adversely affected real property.

(2) A person who participates in sport shooting at a sport shooting range accepts the risks associated with the sport to the extent the risks are obvious. Those risks include, but are not limited to, injuries that may result from noise, discharge of a projectile or shot, malfunction of sport shooting equipment not owned by the sport shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare spots, rocks, trees, and other forms of natural growth or debris.

(3) As used in this section:

(a) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.

(b) "Sport shooting range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting activities.

<http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Bills/1508-S.pdf>

WEST VIRGINIA

Statute: *W. Va. Code, § 61-6-23*

West's Annotated Code of West Virginia Currentness

Chapter 61. Crimes and Their Punishment

Article 6. Crimes Against the Peace (Refs & Annos)

§ 61-6-23. Shooting range; limitations on nuisance actions

(a) As used in this section:

(1) “Person” means an individual, proprietorship, partnership, corporation, club or other legal entity;

(2) “Shooting range” or “range” means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar shooting.

(b) Except as provided in this section, a person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person's property if the range was established as of the date of the person acquiring the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within two years from the beginning of the substantial change in use of the range.

(c) A person who owned property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that range only if the action is brought within four years after establishment of the range or two years after a substantial change in use of the range.

(d) If there has been no shooting activity at a range for a period of two years, resumption of shooting is considered establishment of a new range for the purposes of this section.

WISCONSIN

Statute: W.S.A. 895.527

West's Wisconsin Statutes Annotated Currentness

Miscellaneous Actions, Proceedings and Procedure (Ch. 895 to 900)

Chapter 895. Damages, Liability, and Miscellaneous Provisions Regarding Actions in Courts

Subchapter II. Exemptions from, and Limitations on, Liability

895.527. Sport shooting range activities; limitations on liability and restrictions on operation

(1) In this section, “sport shooting range” means an area designed and operated for the use and discharge of firearms.

(2) A person who owns or operates a sport shooting range is immune from civil liability related to noise resulting from the operation of the sport shooting range.

(3) A person who owns or operates a sport shooting range is not subject to an action for nuisance or to zoning conditions related to noise and no court may enjoin or restrain the operation or use of a sport shooting range on the basis of noise.

(4) Any sport shooting range that exists on June 18, 2010, may continue to operate as a sport shooting range at that location notwithstanding any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23(7), if the sport shooting range is a lawful use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23(7) that is in effect on June 18, 2010. The operation of the sport shooting range continues to be a lawful use or legal nonconforming use notwithstanding any expansion of, or enhancement or improvement to, the sport shooting range.

(5) Any sport shooting range that exists on June 18, 1998, may continue to operate as a sport shooting range at that location notwithstanding all of the following:

(a) Section 167.30, 941.20 (1) (d) or 948.605 or any rule promulgated under those sections regulating or prohibiting the discharge of firearms.

(b) Section 66.0409(3)(b) or any ordinance or resolution.

(c) Any zoning ordinance that is enacted, or resolution that is adopted, under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7) that is related to noise.

(6) A city, village town or county may regulate the hours between 11:00 p.m. and 6:00 a.m. that an outdoor sport shooting range may operate, except that such a regulation may not apply to a law enforcement officer as defined in s. 165.85 (2) (c), a member of the U.S. armed forces or a private security person as defined in s. 440.26 (1m) (h) who meets all of the requirements under s. 167.31 (4) (a) 4.

(7) A person who is shooting in the customary or a generally acceptable manner at a sport shooting range between the hours of 6:00 a.m. and 11:00 p.m. is presumed to not be engaging in disorderly conduct merely because of the noise caused by the shooting.

WYOMING

Statute: W.S.1977 § 16-11-101

West's Wyoming Statutes Annotated Currentness

Title 16. City, County, State and Local Powers (Refs & Annos)

Chapter 11. Shooting Ranges

§ 16-11-101. Definitions

(a) As used in this act:

(i) “Local government” means a county, city or town;

(ii) “Sport shooting range” or “range” means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting.

§ 16-11-102. Operation of shooting ranges; liability

(a) Notwithstanding any other provision of law, any person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local government.

(b) Any person who operates or uses a sport shooting range is not subject to an action for nuisance, and a court of this state shall not enjoin the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time construction or operation of the range was approved by a local government.

(c) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this act.

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