

PUBLIC SHOOTING RANGES

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: _____

LONG TITLE

General Description:

This bill ensures public access to a public shooting range, subject to temporary restrictions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ grants the public access to use a public shooting range;
- ▶ permits a fee to be charged for the public to use a public shooting range;
- ▶ describes when a public shooting range can be temporarily restricted from public use during regular business hours; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

47-3-101, Utah Code Annotated 1953

47-3-301, Utah Code Annotated 1953

RENUMBERS AND AMENDS:



59 and amended to read:

60 ~~[47-3-3]~~. **47-3-202. When nuisance action permitted.**

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

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

69 (a) the range:

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

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

73 (b) the range:

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

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

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

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

85 "Shooting Range Area

86 This property is located in the vicinity of an established shooting range or public
87 shooting range. It can be anticipated that customary uses and activities at this shooting range or
88 public shooting range will be conducted now and in the future. The use and enjoyment of this
89 property is expressly conditioned on acceptance of any annoyance or inconvenience ~~[which]~~

90 that may result from these uses and activities."

91 Section 5. Section **47-3-301** is enacted to read:

92 **Part 3. Public Shooting Ranges**

93 **47-3-301. Access and use.**

94 (1) Except as provided in Subsection (2), a public shooting range may be used by the
95 public during regular business hours.

96 (2) The owner of a public shooting range may temporarily restrict the public from the
97 public shooting range:

98 (a) during any period of time that the public shooting range is being actively used for
99 training, practice, or testing by the state, a political subdivision of the state, or any other
100 government entity, if public use of the shooting range during that period of time would
101 interfere with the training, practice, or testing;

102 (b) when the shooting range is undergoing renovation, maintenance, or repair; or

103 (c) when necessary to protect public safety.

104 (3) A public shooting range may charge a reasonable fee, in accordance with Section
105 63J-1-504, for the public to use the public shooting range.

Legislative Review Note
as of 1-3-13 3:00 PM

Office of Legislative Research and General Counsel