

**PUBLIC SHOOTING RANGES**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Allen M. Christensen**

House Sponsor: \_\_\_\_\_

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**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:



28 **47-3-102**, (Renumbered from 47-3-1, as enacted by Laws of Utah 1998, Chapter 286)

29 **47-3-201**, (Renumbered from 47-3-2, as enacted by Laws of Utah 1998, Chapter 286)

30 **47-3-202**, (Renumbered from 47-3-3, as enacted by Laws of Utah 1998, Chapter 286)

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **47-3-101** is enacted to read:

34 **CHAPTER 3. SHOOTING RANGES**

35 **Part 1. General Provisions**

36 **47-3-101. Title.**

37 This chapter is known as "Shooting Ranges."

38 Section 2. Section **47-3-102**, which is renumbered from Section 47-3-1 is renumbered  
39 and amended to read:

40 ~~[47-3-1].~~ **47-3-102. Definitions.**

41 As used in this chapter[;]:

42 (1) "Public shooting range" means a shooting range owned by an agency of the state or  
43 a political subdivision of the state.

44 (2) "Regular business hours" means Monday through Friday from 8 a.m. until 4 p.m.

45 (3) "Shooting range" or "range" means an area designed and continuously operated  
46 under nationally recognized standards and operating practices for the use of rifles, shotguns,  
47 pistols, silhouettes, skeet, trap, black powder, archery, or any other similar shooting activities.

48 Section 3. Section **47-3-201**, which is renumbered from Section 47-3-2 is renumbered  
49 and amended to read:

50 **Part 2. Risk and Nuisance**

51 ~~[47-3-2].~~ **47-3-201. Assumption of risk.**

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

58 Section 4. Section **47-3-202**, which is renumbered from Section 47-3-3 is renumbered

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.

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

**Office of Legislative Research and General Counsel**