

Representative Bill Wright proposes to substitute the following bill:

NUISANCE CODE AMENDMENTS - SHOOTING RANGES

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

AN ACT RELATING TO NUISANCES; ENACTING PROVISIONS EXEMPTING EXISTING SHOOTING RANGES UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR ASSUMPTION OF THE RISK; AND PRESCRIBING WHEN A NUISANCE ACTION IS PERMITTED.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

47-3-1, Utah Code Annotated 1953

47-3-2, Utah Code Annotated 1953

47-3-3, Utah Code Annotated 1953

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

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

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.

Section 2. Section **47-3-2** is enacted to read:

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

1 noise, discharge of projectile or shot, malfunction of shooting equipment not owned by the
2 shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare
3 spots, rocks, trees, and other forms of natural growth or debris.

4 Section 3. Section 47-3-3 is enacted to read:

5 **47-3-3. When nuisance action permitted.**

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

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

14 (a) the range:

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

17 (ii) does not substantially ~~h~~ [or] **AND** ~~h~~ adversely affect public health or safety; or

18 (b) the range ~~h~~ :

18a (i) ~~h~~ is in compliance with any noise control laws, ordinances, rules, or regulations
19 that applied to the range and its operation at the time of establishment, construction, or initial
20 operation of the range ~~h~~ [:] : **AND**

20a **(ii) DOES NOT SUBSTANTIALLY AND ADVERSELY AFFECT PUBLIC HEALTH OR SAFETY.**

20b **(3) FOR THE PURPOSES OF THIS SECTION, NOISE GENERATED BY A SHOOTING RANGE**
THAT
20c **IS OPERATED IN ACCORDANCE WITH NATIONALLY RECOGNIZED STANDARDS AND OPERATING**
20d **PRACTICES IS NOT A PUBLIC HEALTH NUISANCE. ~~h~~**

21 ~~h~~ [(3)] (4) ~~h~~ For any new subdivision development located in whole or in part within 1,000 feet
21a of
22 the boundary of any shooting range that was established, constructed, or operated prior to the
23 development of the subdivision, the owner of the development shall provide notice on any plat
24 filed with the county recorder the following notice:

25 "Shooting Range Area

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