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HOUSE BILL 1681

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State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Campbell, Smith and Kremen

Read first time 02/03/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to sport shooting ranges; adding new sections to  
2 chapter 9.41 RCW; and declaring an emergency.

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

4            NEW SECTION.        **Sec. 1.**        Unless the context clearly requires  
5 otherwise, the definitions in this section apply throughout sections 1  
6 through 5 of this act:

7            (1) "Generally accepted operation practices" means those practices  
8 adopted by a local unit of government that are established by a  
9 nationally recognized nonprofit membership organization that provides  
10 voluntary firearm safety programs that include training individuals in  
11 the safe handling and use of firearms, which practices are developed  
12 with consideration of all information reasonably available regarding  
13 the operation of shooting ranges. The local unit of government shall  
14 review generally accepted operation practices at least every five years  
15 and revise the practices the local unit of government considers  
16 necessary. The local unit of government shall adopt generally accepted  
17 operation practices within ninety days of the effective date of this  
18 section.

19            (2) "Local unit of government" means a county, city, or town.

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

3 (4) "Sport shooting range" or "range" means an area designed and  
4 operated for the use of archery, rifles, shotguns, pistols,  
5 silhouettes, skeet, trap, black powder, or other similar sport  
6 shooting.

7 NEW SECTION. **Sec. 2.** (1) In addition to other protections  
8 provided in this section and sections 3 through 5 of this act, a person  
9 who owns or operates or uses a sport shooting range that conforms to  
10 generally accepted operation practices in the range's local unit of  
11 government is not subject to civil liability or criminal prosecution  
12 relating to noise or noise pollution resulting from the operation or  
13 use of the range if the range is in compliance with noise control laws  
14 or ordinances that applied to the range and its operation at the time  
15 of construction or initial operation of the range.

16 (2) In addition to other protections provided in this section and  
17 sections 3 through 5 of this act, a person who owns, operates, or uses  
18 a sport shooting range that conforms to generally accepted operation  
19 practices is not subject to an action for nuisance, and a court may not  
20 enjoin or restrain the use or operation of a range on the basis of  
21 noise or noise pollution, if the range is in compliance with noise  
22 control laws or ordinances that applied to the range and its operation  
23 at the time of construction or initial operation of the range.

24 (3) Rules adopted by a state department or agency for limiting  
25 levels of noise in terms of decibel level that might occur in the  
26 outdoor atmosphere do not apply to a sport shooting range exempted from  
27 liability under this section and sections 3 through 5 of this act.  
28 However, this subsection does not restrict the application of the  
29 generally accepted operation practices.

30 NEW SECTION. **Sec. 3.** (1) A sport shooting range that is operated  
31 and is not in violation of existing law at the time of the enactment of  
32 an ordinance may continue in operation even if the operation of the  
33 sport shooting range at a later date does not conform to the new  
34 ordinance or an amendment to an existing ordinance.

35 (2) A sport shooting range that is in existence as of the effective  
36 date of this section and operates in compliance with generally accepted  
37 operation practices, even if not in compliance with an ordinance of a

1 local unit of government, may do all of the following within its  
2 preexisting geographic boundaries if in compliance with generally  
3 accepted operation practices:

4 (a) Repair, remodel, or reinforce a conforming or nonconforming  
5 building or structure as is necessary in the interest of public safety  
6 or to secure the continued use of the building or structure;

7 (b) Reconstruct, repair, restore, or resume the use of a  
8 nonconforming building damaged by fire, collapse, explosion, act of  
9 God, or act of war occurring after the effective date of this section.  
10 The reconstruction, repair, or restoration must be completed within one  
11 year following the date of the damage or settlement of a property  
12 damage claim. If reconstruction, repair, or restoration is not  
13 completed within one year, the local unit of government may terminate  
14 the continuation of the nonconforming use; and

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

17 (i) Expanding or increasing its membership or opportunities for  
18 public participation; or

19 (ii) Expand or increase events and activities.

20 NEW SECTION. **Sec. 4.** Except as otherwise provided in sections 2,  
21 3, and 5 of this act, sections 2, 3, and 5 of this act do not prohibit  
22 a local unit of government from regulating the location, use,  
23 operation, safety, and construction of a sport shooting range.

24 NEW SECTION. **Sec. 5.** A person who participates in sport shooting  
25 at a sport shooting range that conforms to generally accepted operation  
26 practices accepts the risks associated with the sport to the extent the  
27 risks are obvious and inherent. Those risks include, but are not  
28 limited to, injuries that result from noise, discharge of a projectile  
29 or shot, malfunction of sport shooting equipment not owned by the  
30 shooting range, natural variations in terrain, surface or subsurface  
31 snow or ice conditions, bare spots, rocks, trees, and other forms of  
32 natural growth or debris.

33 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each  
34 added to chapter 9.41 RCW.

1        NEW SECTION.    **Sec. 7.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of the  
3    state government and its existing public institutions, and shall take  
4    effect immediately.

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