
Local Government Committee

SSB 5910

Brief Description: Protecting sport shooting ranges.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Roach, McCaslin, Rasmussen, T. Sheldon, Stevens, Mulliken, Oke and Schmidt).

Brief Summary of Substitute Bill

- Provides operators or users of sport shooting ranges immunity from civil liability or criminal prosecution in matters relating to noise or nuisance if the range is in compliance with any noise control laws or ordinances that applied at the time of construction or initial operation of the range.
- Prohibits a property owner that is adversely affected by a sport shooting range from bringing a nuisance action against the range where there has not been a substantial change in the nature of the use of the range.
- Permits a sport shooting range that is in compliance with existing law to continue to operate even if the operation of the range does not conform to new or amended ordinances.
- Exempts qualifying sport shooting ranges from any rules adopted by any state agency limiting decibel levels outdoors.

Hearing Date: 4/2/03

Staff: Amy Wood (786-7127).

Background:

Noise Control Act

In 1974, the Legislature authorized the Department of Ecology (DOE) to promulgate regulations for a noise control program, including maximum noise levels permissible in identified environments, consistent with the Federal Noise Control Act. The DOE's regulations exempt "sounds created by the discharge of firearms on authorized shooting ranges" between the hours of 7:00 a.m. and 10:00 p.m. WAC 173-60-050(b).

Local governments are authorized to impose limits or controls differing from those adopted by the DOE upon a finding that such requirements are necessitated by special conditions. Noise limiting requirements of local governments which differ from those adopted by the DOE must be approved by the DOE. Such standards are deemed approved if the DOE does not act on the limits within 90 days of submittal.

Local governments are charged with enforcing state and local noise control regulations and ordinances.

Nuisance

Washington law defines nuisance as,

". . . unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property."

Generally, when the impact, of whatever nature, is so significant as to cause an "unreasonable interference" with the rights of others to use and enjoy their land, then the use which results in that impact is characterized as a nuisance. A nuisance which affects equally the rights of an entire community or neighborhood is a public nuisance, whereas, a nuisance affecting the rights of a landowner to use and enjoy his or her property is a private nuisance.

Cities and towns also have the authority to declare what is a nuisance, to abate a nuisance, and to impose fines upon parties who create, continue, or cause nuisances to exist.

Summary of Bill:

Operators or users of sport shooting ranges are granted immunity from civil liability or criminal prosecution in matters relating to noise or nuisance if the sport shooting range is in compliance with any noise control laws or ordinances that applied at the time of construction or initial operation of the range. A property owner that is adversely affected by a sport shooting range is prohibited from bringing an action for nuisance to restrain, enjoin, or impede the use of range where there has not been a substantial change in the nature of the use of the range.

Any rules adopted by the DOE that limit decibel levels outdoors do not apply to sport shooting ranges that are exempt from liability under this act. A sport shooting range that is in compliance with existing law may continue to operate even if the operation of the range does not conform to new or amended ordinances.

A local government may regulate the location and construction of a sport shooting range after the effective date of the act.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.