

AMENDED IN SENATE APRIL 7, 1997

**SENATE BILL**

**No. 517**

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**Introduced by Senator Haynes**

February 24, 1997

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An act to add Section 3482.1 to the Civil Code, relating to nuisance.

LEGISLATIVE COUNSEL'S DIGEST

SB 517, as amended, Haynes. Nuisance: shooting ranges.

Existing law provides that nothing done or maintained under the express authority of a statute can be deemed a nuisance.

This bill would exempt a person who operates or uses a *sport* shooting range, *as defined*, from civil liability, injunction, or criminal prosecution with respect to noise or noise pollution if ~~it~~ *the person* complies with the laws in operation at the time the *sport* shooting range was approved for use, or if there were no such laws in effect at that time, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 3482.1 is added to the Civil Code,
- 2 to read:
- 3 3482.1. (a) As used in this section:
- 4 (1) "Person" means an individual, proprietorship,
- 5 partnership, corporation, club, or other legal entity.

1 (2) “Sport shooting range” or “range” means an area  
2 designed and operated for the use of rifles, shotguns,  
3 pistols, silhouettes, skeet, trap, black powder, or any other  
4 similar sport or law enforcement training purpose.

5 (3) “Nighttime” means between the hours of 10 p.m.  
6 and 7 a.m.

7 (b) (1) Notwithstanding any other provision of law, a  
8 person who operates or uses a sport shooting range in this  
9 state shall not be subject to civil liability or criminal  
10 prosecution in any matter relating to noise or noise  
11 pollution resulting from the operation or use of the range  
12 if the range is in compliance with any noise control laws  
13 or ordinances that applied to the range and its operation  
14 at the time construction or operation of the range was  
15 approved by a local public entity having jurisdiction in  
16 the matter, or if there were no such laws or ordinances  
17 that applied to the range and its operation at that time.

18 (2) A person who operates or uses a sport shooting  
19 range or law enforcement training range is not subject to  
20 an action for nuisance, and a court shall not enjoin the use  
21 or operation of a range, on the basis of noise or noise  
22 pollution if the range is in compliance with any noise  
23 control laws or ordinances that applied to the range and  
24 its operation at the time construction or operation of the  
25 range was approved by a local public entity having  
26 jurisdiction in the matter, or if there were no such laws or  
27 ordinances that applied to the range and its operation at  
28 that time.

29 (3) Rules or regulations adopted by any state  
30 department or agency for limiting levels of noise in terms  
31 of decibel level which may occur in the outdoor  
32 atmosphere shall not apply to a sport shooting range  
33 exempted from liability under this section.

34 (c) A person who acquires title to or who owns real  
35 property adversely affected by the use of property with  
36 a permanently located and improved sport shooting  
37 range may not maintain a nuisance action against the  
38 person who owns the range to restrain, enjoin, or impede  
39 the use of the range where there has been no substantial  
40 change in the nature of the use of the range. This section



1 does not prohibit actions for negligence or recklessness in  
2 the operation of the range or by a person using the range.

3 (d) A sport shooting range that is in operation and not  
4 in violation of existing law at the time of the enactment  
5 of an ordinance described in subdivision (b) shall be  
6 permitted to continue in operation even if the operation  
7 of the sport shooting range at a later date does not  
8 conform to a new ordinance or an amendment to an  
9 existing ordinance.

10 (e) Except as otherwise provided in this section, this  
11 section does not prohibit a local public entity having  
12 jurisdiction in the matter from regulating the location  
13 and construction of a sport shooting range after the  
14 effective date of this section.

15 (f) *Except as otherwise provided in this section, this*  
16 *section does not prohibit a local public entity having*  
17 *jurisdiction in the matter from requiring that noise levels*  
18 *at the nearest residential property line to a range not*  
19 *exceed the level of normal city street noise which shall not*  
20 *be more than 75 decibels for nighttime shooting. The*  
21 *subdivision does not abrogate any existing local standards*  
22 *for nighttime shooting. The operator of a sport shooting*  
23 *range shall not unreasonably refuse to use trees, shrubs,*  
24 *or barriers, when appropriate, to mitigate the noise*  
25 *generated by nighttime shooting. For the purpose of this*  
26 *section, a reasonable effort to mitigate is an action that*  
27 *can be accomplished in a manner and at a cost that does*  
28 *not impose an unreasonable financial burden upon the*  
29 *operator of the range.*

30 (g) This section does not apply to a shooting range in  
31 existence prior to January 1, 1998, that is operated for law  
32 enforcement training purposes by a county of the sixth  
33 class if the shooting range is located without the  
34 boundaries of that county and within the boundaries of  
35 another county. This subdivision shall become operative  
36 on July 1, 1999.

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