

House Engrossed Senate Bill

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 222

SENATE BILL 1008

AN ACT

AMENDING TITLE 17, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 6; RELATING
TO OUTDOOR SHOOTING RANGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 17, Arizona Revised Statutes, is amended by adding
3 chapter 6, to read:

4 CHAPTER 6
5 SHOOTING RANGES

6 ARTICLE 1. OUTDOOR SHOOTING RANGE NOISE STANDARDS

7 17-601. Definition of outdoor shooting range

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "OUTDOOR
9 SHOOTING RANGE" OR "RANGE" MEANS A PERMANENTLY LOCATED AND IMPROVED AREA THAT
10 IS DESIGNED AND OPERATED FOR THE USE OF RIFLES, SHOTGUNS, PISTOLS,
11 SILHOUETTES, SKEET, TRAP, BLACK POWDER OR ANY OTHER SIMILAR SPORT SHOOTING
12 IN AN OUTDOOR ENVIRONMENT. OUTDOOR SHOOTING RANGE DOES NOT INCLUDE ANY AREA
13 FOR THE EXCLUSIVE USE OF ARCHERY OR AIR GUNS OR A TOTALLY ENCLOSED FACILITY
14 THAT IS DESIGNED TO OFFER A TOTALLY CONTROLLED SHOOTING ENVIRONMENT THAT
15 INCLUDES IMPENETRABLE WALLS, FLOOR AND CEILING, ADEQUATE VENTILATION,
16 LIGHTING SYSTEMS AND ACOUSTICAL TREATMENT FOR SOUND ATTENUATION SUITABLE FOR
17 THE RANGE'S APPROVED USE.

18 17-602. State outdoor shooting range noise standards;
19 preemption; measurement; definitions

20 A. THE LEGISLATURE FINDS THAT OUTDOOR SHOOTING RANGE NOISE STANDARDS
21 ARE A MATTER OF STATEWIDE CONCERN. CITY, TOWN, COUNTY AND ANY OTHER STATE
22 NOISE STANDARDS ARE PREEMPTED AS APPLIED TO OUTDOOR SHOOTING RANGES.

23 B. EACH OUTDOOR SHOOTING RANGE IN THIS STATE SHALL MEASURE THE NOISE
24 EMITTED FROM THE RANGE PURSUANT TO SUBSECTION E AT LEAST ONCE. IN ADDITION,
25 THE RANGE SHALL MEASURE THE NOISE IT EMITS IF THE RANGE EXPANDS THE AREA
26 DESIGNED AND OPERATED FOR THE USE OF FIREARMS OR EXPLOSIVES BY MORE THAN
27 TWENTY PER CENT IN SIZE THAN AT THE TIME OF ITS INITIAL NOISE MEASUREMENT OR
28 IF THE RANGE INTRODUCES THE USE OF A TYPE OF FIREARM OR EXPLOSIVE DEVICE THAT
29 WILL INCREASE NOISE PRODUCTION. THE RANGE SHALL PAY FOR THE MEASUREMENT AND
30 SHALL KEEP THE RESULTS OF THE MEASUREMENT AT THE RANGE AT ALL TIMES. ANY
31 PERSON MAY REVIEW THE NOISE MEASUREMENT DURING THE RANGE'S BUSINESS
32 HOURS. RANGES THAT ARE LOCATED AT LEAST ONE MILE FROM AREAS THAT ARE ZONED
33 FOR RESIDENCES, SCHOOLS, HOTELS, MOTELS, HOSPITALS OR CHURCHES ARE EXEMPT
34 FROM THIS SUBSECTION.

35 C. ANY PERSON, AT THE PERSON'S EXPENSE, MAY MEASURE THE NOISE EMITTED
36 FROM AN OUTDOOR SHOOTING RANGE PURSUANT TO SUBSECTION E.

37 D. THE NOISE EMITTED FROM AN OUTDOOR SHOOTING RANGE SHALL NOT EXCEED
38 AN LEQ(h) OF SIXTY-FOUR DBA.

39 E. IN MEASURING THE NOISE EMITTED FROM AN OUTDOOR SHOOTING RANGE:

40 1. IF A RANGE PERFORMS THE MEASUREMENT OF NOISE PURSUANT TO SUBSECTION
41 B, SOUND PRESSURE MEASUREMENTS SHALL BE TAKEN TWENTY FEET FROM THE NEAREST
42 OCCUPIED RESIDENCE, SCHOOL, HOTEL, MOTEL, HOSPITAL OR CHURCH, OR FROM THE
43 NEAREST PROPOSED LOCATION OF A RESIDENCE, SCHOOL, HOTEL, MOTEL, HOSPITAL OR
44 CHURCH IF THE PROPERTY IS ZONED FOR SUCH A STRUCTURE BUT IS CURRENTLY
45 UNIMPROVED. IF A PERSON PERFORMS THE MEASUREMENT OF NOISE PURSUANT TO

1 SUBSECTION C, SOUND PRESSURE MEASUREMENTS SHALL BE TAKEN TWENTY FEET FROM THE
2 PERSON'S RESIDENCE, SCHOOL, HOTEL, MOTEL, HOSPITAL OR CHURCH, OR TWENTY FEET
3 FROM THE PROPOSED LOCATION OF THE PERSON'S RESIDENCE, SCHOOL, HOTEL, MOTEL,
4 HOSPITAL OR CHURCH IF THE PROPERTY IS ZONED FOR SUCH A STRUCTURE BUT IS
5 CURRENTLY UNIMPROVED.

6 2. SOUND PRESSURE MEASUREMENTS SHALL BE MADE IN A LOCATION DIRECTLY
7 BETWEEN THE RANGE AND THE NEAREST EXISTING OR PROPOSED RESIDENCE, SCHOOL,
8 HOTEL, MOTEL, HOSPITAL OR CHURCH. IF THERE ARE NATURAL OR ARTIFICIAL
9 OBSTRUCTIONS THAT PREVENT AN ACCURATE NOISE MEASUREMENT, THE MEASUREMENT MAY
10 BE TAKEN WITHIN AN ADDITIONAL TWENTY FEET RADIUS FROM THE INITIAL MEASUREMENT
11 LOCATION.

12 3. SOUND PRESSURE MEASUREMENTS SHALL BE MADE ON THE A-WEIGHTED FAST
13 RESPONSE MODE SCALE. MEASUREMENTS SHALL BE TAKEN DURING THE NOISIEST HOUR
14 OF PEAK USE DURING THE OPERATION OF THE RANGE. MEASUREMENTS SHALL BE TAKEN
15 ACCORDING TO AMERICAN NATIONAL STANDARDS INSTITUTE'S STANDARD METHODS ANSI
16 S1.2-1962 (R1976) AMERICAN NATIONAL STANDARD METHOD FOR PHYSICAL MEASUREMENT
17 OF SOUND AND ANSI S1.2-1971 (R1976) AMERICAN NATIONAL STANDARD METHOD FOR
18 MEASURING SOUND PRESSURE LEVELS. MEASUREMENTS SHALL BE TAKEN USING A TYPE
19 1 SOUND METER MEETING THE REQUIREMENTS OF ANSI S1.4L-1971. ANY PART OF THE
20 MEASUREMENTS CONDUCTED ON A RANGE SHALL COMPLY WITH THE RANGE SAFETY RULES.

21 F. OUTDOOR SHOOTING RANGES IN OPERATION ON JULY 1, 2002 SHALL COMPLY
22 WITH THE PROVISIONS OF THIS SECTION BEFORE JULY 1, 2003. RANGES NOT IN
23 OPERATION ON JULY 1, 2002 SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION
24 WHEN THEY BEGIN OPERATION.

25 G. FOR THE PURPOSES OF THIS SECTION:

26 1. "A-WEIGHTED" MEANS A FREQUENCY WEIGHTING NETWORK USED TO ACCOUNT
27 FOR CHANGES IN SENSITIVITY AS A FUNCTION OF FREQUENCY.

28 2. "DBA" MEANS A-WEIGHTED DECIBELS, TAKING INTO ACCOUNT HUMAN RESPONSE
29 TO SOUND ENERGY IN DIFFERENT FREQUENCY BANDS.

30 3. "DECIBEL" MEANS THE UNIT OF MEASURE FOR SOUND PRESSURE DENOTING THE
31 RATIO BETWEEN TWO QUANTITIES THAT ARE PROPORTIONAL TO POWER. THE NUMBER OF
32 DECIBELS IS TEN TIMES THE BASE TEN LOGARITHM OF THIS RATIO.

33 4. "LEQ(h)" MEANS THE EQUIVALENT ENERGY LEVEL THAT IS THE STEADY STATE
34 LEVEL THAT CONTAINS THE SAME AMOUNT OF SOUND ENERGY AS A TIME VARYING SOUND
35 LEVEL FOR A SIXTY MINUTE TIME PERIOD.

36 17-603. Preexisting outdoor shooting ranges; noise buffering or
37 attenuation

38 A. IF AN OUTDOOR SHOOTING RANGE WAS CONSTRUCTED BEFORE JULY 1, 2002
39 IN COMPLIANCE WITH EXISTING APPLICABLE COUNTY OR MUNICIPAL ORDINANCES AND
40 ZONING REQUIREMENTS AND IF PROPERTY LOCATED WITHIN ONE MILE OF THE EXTERIOR
41 PROPERTY BOUNDARY OF THE RANGE IS REZONED AFTER JULY 1, 2002 FOR RESIDENTIAL
42 USE OR ANY OTHER USE THAT INCLUDES A SCHOOL, HOTEL, MOTEL, HOSPITAL OR
43 CHURCH, THE ZONING AUTHORITY MUST PROVIDE FOR NOISE BUFFERS OR ATTENUATION
44 DEVICES THAT ARE EITHER:

1 1. WITHIN THE NEW DEVELOPMENT AS A CONDITION FOR DEVELOPING THE
2 PROPERTY OR AS SUPPLIED BY THE ZONING AUTHORITY.

3 2. SUPPLIED OR FUNDED BY THE ZONING AUTHORITY FOR LOCATION IN THE
4 RANGE.

5 B. PROPERTY OWNERS, DEVELOPERS, ZONING AUTHORITIES AND RANGES MAY
6 NEGOTIATE AND PROVIDE FOR NOISE BUFFERS OR ATTENUATION DEVICES LOCATED ON OR
7 OFF THE RANGE.

8 C. ANY NOISE BUFFERING OR ATTENUATION UNDER THIS SECTION MUST COMPLY
9 WITH THE STATE NOISE STANDARDS PRESCRIBED BY SECTION 17-602.

10 17-604. Nighttime outdoor shooting range operations

11 A. OUTDOOR SHOOTING RANGES THAT ARE LOCATED IN AREAS THAT ARE ZONED
12 FOR RESIDENTIAL USE OR ANY OTHER USE THAT INCLUDES A SCHOOL, HOTEL, MOTEL,
13 HOSPITAL OR CHURCH SHALL NOT OPERATE FROM 10:00 P.M. THROUGH 7:00 A.M.

14 B. THIS SECTION DOES NOT APPLY TO ANY OUTDOOR SHOOTING RANGE WHILE IT
15 IS PROVIDING LAW ENFORCEMENT OR MILITARY TRAINING. THESE RANGES MUST PROVIDE
16 ADEQUATE PUBLIC NOTICE INCLUDING POSTING IN FOUR PUBLIC LOCATIONS WITHIN ONE
17 MILE OF THE EXTERIOR BOUNDARIES OF THE RANGE EACH CALENDAR QUARTER OF THE
18 SCHEDULE OF WHEN THE RANGE WILL OPERATE FROM 10:00 P.M. THROUGH 7:00 A.M. AND
19 THE PURPOSE FOR THOSE NIGHTTIME OPERATIONS. NIGHTTIME OPERATIONS UNDER THIS
20 SUBSECTION MUST COMPLY WITH THE NIGHTTIME NOISE STANDARDS PRESCRIBED BY
21 SECTION 17-602.

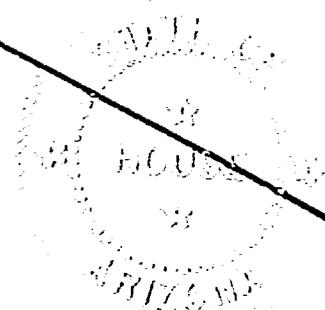
22 17-605. Noise pollution; nuisance; defense; costs

23 A. IT IS AN AFFIRMATIVE DEFENSE TO ANY CIVIL LIABILITY OR CLAIM FOR
24 EQUITABLE RELIEF ARISING FROM ANY ALLEGATION REGARDING NOISE OR NOISE
25 POLLUTION THAT RESULTS FROM OWNING, OPERATING OR USING AN OUTDOOR SHOOTING
26 RANGE IF THE ENTITY OR INDIVIDUAL OWNING, OPERATING OR USING THE RANGE
27 COMPLIES WITH THIS ARTICLE.

28 B. IN ANY ACTION WHERE A DEFENSE HAS BEEN RAISED PURSUANT TO
29 SUBSECTION A, THE COURT SHALL AWARD THE PREVAILING PARTY ITS COSTS AND ALL
30 EXPENSES, INCLUDING THE PARTY'S COSTS INCURRED IN MEASURING NOISE EMITTED
31 FROM THE RANGE AND REASONABLE ATTORNEY FEES.

APPROVED BY THE GOVERNOR MAY 17, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2002.



Passed the House May 2, 2002

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 18, 2002

by the following vote: 17 Ayes,

10 Nays, 3 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

S.B. 1008

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 13, 2002

by the following vote: 19 Ayes,

4 Nays, 7 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13 day of May, 2002

at 2:20 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 14 day of

May, 2002,

at 8:41 o'clock A M.

[Signature]
Governor of Arizona

S.B. 1008

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of May, 2002,

at 3:32 o'clock P M.

[Signature]
Secretary of State