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REFERENCE TITLE: shooting ranges; noise standards

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

SB 1008

Introduced by
Senator Smith

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 shooting range

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "SHOOTING
9 RANGE" OR "RANGE" MEANS AN AREA THAT IS DESIGNED AND OPERATED FOR THE USE OF
10 RIFLES, SHOTGUNS AND HANDGUNS IN AN OUTDOOR ENVIRONMENT. SHOOTING RANGE DOES
11 NOT INCLUDE AREAS FOR THE EXCLUSIVE USE OF ARCHERY OR AIR GUNS OR ANY INDOOR
12 AREA ENCLOSED BY SOLID WALLS AND ROOF.

13 17-602. State outdoor shooting range noise standards;
14 preemption; measurement; definitions

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

18 B. THE NOISE EMITTED FROM AN OUTDOOR SHOOTING RANGE MAY NOT EXCEED THE
19 GREATER OF:

20 1. FIFTEEN DBA OVER AN HOUR TIME WEIGHTED AVERAGE ABOVE THE AMBIENT
21 DAYTIME NEIGHBORHOOD NOISE DURING THE NOISIEST HOUR BETWEEN 7:00 A.M. THROUGH
22 10:00 P.M. AND FIFTEEN DBA OVER A TIME WEIGHTED AVERAGE ABOVE THE AMBIENT
23 NIGHTTIME NEIGHBORHOOD NOISE DURING THE NOISIEST HOUR BETWEEN 10:00 P.M.
24 THROUGH 7:00 A.M.

25 2. AN LEQ(h) OF SIXTY-FOUR DBA.

26 C. IN MEASURING THE NOISE EMITTED FROM AN OUTDOOR SHOOTING RANGE:

27 1. SOUND PRESSURE MEASUREMENTS SHALL BE TAKEN TWENTY FEET FROM THE
28 NEAREST OCCUPIED RESIDENCE, SCHOOL, HOTEL, MOTEL, HOSPITAL OR CHURCH, OR FROM
29 THE NEAREST PROPOSED LOCATION OF A RESIDENCE, SCHOOL, HOTEL, MOTEL, HOSPITAL
30 OR CHURCH IF THE PROPERTY IS ZONED FOR SUCH A STRUCTURE BUT IS CURRENTLY
31 UNIMPROVED.

32 2. SOUND MEASUREMENTS SHALL BE MADE ON THE A-WEIGHTED FAST RESPONSE
33 MODE SCALE AT A DISTANCE OF TWENTY FEET FROM THE NEAREST OCCUPIED RESIDENCE,
34 SCHOOL, HOTEL, MOTEL, HOSPITAL OR CHURCH. MEASUREMENTS SHALL BE TAKEN ON A
35 ONE-HOUR TIME WEIGHTED AVERAGE FROM 7:00 A.M. THROUGH 10:00 P.M. AND AN
36 EIGHT-HOUR TIME WEIGHTED AVERAGE FROM 10:00 P.M. THROUGH 7:00 A.M.
37 MEASUREMENTS SHALL BE TAKEN DURING THE NOISIEST HOUR OF PEAK USE DURING THE
38 OPERATION OF THE SHOOTING RANGE. MEASUREMENTS SHALL BE TAKEN ACCORDING TO
39 AMERICAN NATIONAL STANDARDS INSTITUTE'S STANDARD METHODS ANSI S1.2-1962
40 (R1976) AMERICAN NATIONAL STANDARD METHOD FOR PHYSICAL MEASUREMENT OF SOUND
41 AND ANSI S1.2-1971 (R1976) AMERICAN NATIONAL STANDARD METHOD FOR MEASURING
42 SOUND PRESSURE LEVELS. MEASUREMENTS SHALL BE TAKEN USING A TYPE 1 SOUND
43 METER MEETING THE REQUIREMENTS OF ANSI S1.4L-1971. ANY PART OF THE
44 MEASUREMENTS CONDUCTED ON A RANGE SHALL COMPLY WITH THE RANGE SAFETY RULES.

1 D. FOR THE PURPOSES OF THIS SECTION:

2 1. "AMBIENT" MEANS, AS IT RELATES TO NOISE, THE SOUND OF NATURAL AND
3 MECHANICAL SOURCES AND HUMAN ACTIVITY CONSIDERED TO BE PRESENT IN A
4 PARTICULAR AREA, BUT NOT INCLUDING THE NOISE FROM THE SHOOTING RANGE OR THE
5 ANALYSIS SYSTEM'S ELECTRICAL NOISE.

6 2. "A-WEIGHTED" MEANS A FREQUENCY WEIGHTING NETWORK USED TO ACCOUNT
7 FOR CHANGES IN SENSITIVITY AS A FUNCTION OF FREQUENCY.

8 3. "DBA" MEANS A-WEIGHTED DECIBELS, TAKING INTO ACCOUNT HUMAN RESPONSE
9 TO SOUND ENERGY IN DIFFERENT FREQUENCY BANDS.

10 4. "DECIBEL" MEANS THE UNIT OF MEASURE FOR SOUND PRESSURE DENOTING THE
11 RATIO BETWEEN TWO QUANTITIES THAT ARE PROPORTIONAL TO POWER. THE NUMBER OF
12 DECIBELS IS TEN TIMES THE BASE TEN LOGARITHM OF THIS RATIO.

13 5. "LEQ(h)" MEANS THE EQUIVALENT ENERGY LEVEL THAT IS THE STEADY STATE
14 LEVEL THAT CONTAINS THE SAME AMOUNT OF SOUND ENERGY AS A TIME VARYING SOUND
15 LEVEL FOR A SIXTY MINUTE TIME PERIOD.

16 17-603. Preexisting outdoor shooting ranges; noise buffering or
17 attenuation

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

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

27 2. SUPPLIED OR FUNDED BY THE ZONING AUTHORITY FOR LOCATION IN THE
28 SHOOTING RANGE.

29 B. ANY NOISE BUFFERING OR ATTENUATION UNDER THIS SECTION MUST COMPLY
30 WITH THE STATE NOISE STANDARDS PRESCRIBED BY SECTION 17-602.

31 17-604. Nighttime shooting range operations

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

35 B. THIS SECTION DOES NOT APPLY TO ANY SHOOTING RANGE THAT PROVIDES LAW
36 ENFORCEMENT OR MILITARY TRAINING. THESE RANGES MUST PROVIDE ADEQUATE PUBLIC
37 NOTICE INCLUDING POSTING IN FOUR PUBLIC LOCATIONS WITHIN ONE MILE OF THE
38 EXTERIOR BOUNDARIES OF THE RANGE EACH CALENDAR QUARTER OF THE SCHEDULE OF
39 WHEN THE RANGE WILL OPERATE FROM 10:00 P.M. THROUGH 7:00 A.M. AND THE PURPOSE
40 FOR THOSE NIGHTTIME OPERATIONS. NIGHTTIME OPERATIONS UNDER THIS SUBSECTION
41 MUST COMPLY WITH THE NIGHTTIME NOISE STANDARDS PRESCRIBED BY SECTION 17-602.

42 17-605. Immunity from liability and injunction

43 AN OUTDOOR SHOOTING RANGE THAT WAS CONSTRUCTED BEFORE JULY 1, 2002 IN
44 COMPLIANCE WITH EXISTING APPLICABLE COUNTY OR MUNICIPAL ORDINANCES AND ZONING
45 REQUIREMENTS AND THAT IS OPERATING IN COMPLIANCE WITH THIS CHAPTER, OR A

1 SHOOTING RANGE THAT IS CONSTRUCTED AND OPERATED AFTER JUNE 30, 2002 IN
2 COMPLIANCE WITH THIS CHAPTER, IS NOT SUBJECT TO:
3 1. CIVIL LIABILITY IN ANY MATTER RELATING TO NOISE OR NOISE POLLUTION
4 THAT RESULTS FROM OPERATING OR USING THE RANGE.
5 2. AN ACTION FOR NUISANCE ON THE BASIS OF NOISE OR NOISE POLLUTION.
6 3. AN INJUNCTION ON THE USE OR OPERATION OF THE RANGE ON THE BASIS OF
7 NOISE OR NOISE POLLUTION.