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Senate Engrossed

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

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

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

18 B. EACH SHOOTING RANGE IN THIS STATE SHALL MEASURE THE NOISE EMITTED
19 FROM THE SHOOTING RANGE PURSUANT TO SUBSECTION E. THE SHOOTING RANGE SHALL
20 PAY FOR THE MEASUREMENT AND SHALL KEEP THE RESULTS OF THE MEASUREMENT AT THE
21 SHOOTING RANGE AT ALL TIMES. ANY PERSON MAY REVIEW THE NOISE MEASUREMENT
22 DURING THE SHOOTING RANGE'S BUSINESS HOURS.

23 C. ANY PERSON, AT THE PERSON'S EXPENSE, MAY MEASURE THE NOISE EMITTED
24 FROM A SHOOTING RANGE PURSUANT TO SUBSECTION E.

25 D. THE NOISE EMITTED FROM A SHOOTING RANGE SHALL NOT EXCEED AN LEQ(h)
26 OF SIXTY-FOUR DBA.

27 E. IN MEASURING THE NOISE EMITTED FROM A SHOOTING RANGE:

28 1. IF A SHOOTING RANGE PERFORMS THE MEASUREMENT OF NOISE PURSUANT TO
29 SUBSECTION B, SOUND PRESSURE MEASUREMENTS SHALL BE TAKEN TWENTY FEET FROM THE
30 NEAREST OCCUPIED RESIDENCE, SCHOOL, HOTEL, MOTEL, HOSPITAL OR CHURCH, OR FROM
31 THE NEAREST PROPOSED LOCATION OF A RESIDENCE, SCHOOL, HOTEL, MOTEL, HOSPITAL
32 OR CHURCH IF THE PROPERTY IS ZONED FOR SUCH A STRUCTURE BUT IS CURRENTLY
33 UNIMPROVED. IF A PERSON PERFORMS THE MEASUREMENT OF NOISE PURSUANT TO
34 SUBSECTION C, SOUND PRESSURE MEASUREMENTS SHALL BE TAKEN TWENTY FEET FROM THE
35 PERSON'S RESIDENCE, SCHOOL, HOTEL, MOTEL, HOSPITAL OR CHURCH, OR TWENTY FEET
36 FROM THE PROPOSED LOCATION OF THE PERSON'S RESIDENCE, SCHOOL, HOTEL, MOTEL,
37 HOSPITAL OR CHURCH IF THE PROPERTY IS ZONED FOR SUCH A STRUCTURE BUT IS
38 CURRENTLY UNIMPROVED.

39 2. SOUND PRESSURE MEASUREMENTS SHALL BE MADE IN A LOCATION DIRECTLY
40 BETWEEN THE SHOOTING RANGE AND THE NEAREST EXISTING OR PROPOSED RESIDENCE,
41 SCHOOL, HOTEL, MOTEL, HOSPITAL OR CHURCH. IF THERE ARE NATURAL OR ARTIFICIAL
42 OBSTRUCTIONS THAT PREVENT AN ACCURATE NOISE MEASUREMENT, THE MEASUREMENT MAY
43 BE TAKEN WITHIN AN ADDITIONAL TWENTY FEET RADIUS FROM THE INITIAL MEASUREMENT
44 LOCATION.

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

11 F. SHOOTING RANGES IN OPERATION ON JULY 1, 2002 SHALL COMPLY WITH THE
12 PROVISIONS OF THIS SECTION BEFORE JULY 1, 2003. SHOOTING RANGES NOT IN
13 OPERATION ON JULY 1, 2002 SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION
14 FROM AND AFTER THE EFFECTIVE DATE OF THIS ACT.

15 G. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

26 17-603. Preexisting outdoor shooting ranges; noise buffering or
27 attenuation

28 A. IF A SHOOTING RANGE WAS CONSTRUCTED BEFORE JULY 1, 2002 IN
29 COMPLIANCE WITH EXISTING APPLICABLE COUNTY OR MUNICIPAL ORDINANCES AND ZONING
30 REQUIREMENTS AND IF PROPERTY LOCATED WITHIN ONE MILE OF THE EXTERIOR PROPERTY
31 BOUNDARY OF THE SHOOTING RANGE IS REZONED AFTER JULY 1, 2002 FOR RESIDENTIAL
32 USE OR ANY OTHER USE THAT INCLUDES A SCHOOL, HOTEL, MOTEL, HOSPITAL OR
33 CHURCH, THE ZONING AUTHORITY MUST PROVIDE FOR NOISE BUFFERS OR ATTENUATION
34 DEVICES THAT ARE EITHER:

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

37 2. SUPPLIED OR FUNDED BY THE ZONING AUTHORITY FOR LOCATION IN THE
38 SHOOTING RANGE.

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

1 17-604. Nighttime shooting range operations
2 A. SHOOTING RANGES THAT ARE LOCATED IN AREAS THAT ARE ZONED FOR
3 RESIDENTIAL USE OR ANY OTHER USE THAT INCLUDES A SCHOOL, HOTEL, MOTEL,
4 HOSPITAL OR CHURCH SHALL NOT OPERATE FROM 10:00 P.M. THROUGH 7:00 A.M.
5 B. THIS SECTION DOES NOT APPLY TO ANY SHOOTING RANGE WHILE IT IS
6 PROVIDING LAW ENFORCEMENT OR MILITARY TRAINING. THESE RANGES MUST PROVIDE
7 ADEQUATE PUBLIC NOTICE INCLUDING POSTING IN FOUR PUBLIC LOCATIONS WITHIN ONE
8 MILE OF THE EXTERIOR BOUNDARIES OF THE RANGE EACH CALENDAR QUARTER OF THE
9 SCHEDULE OF WHEN THE RANGE WILL OPERATE FROM 10:00 P.M. THROUGH 7:00 A.M. AND
10 THE PURPOSE FOR THOSE NIGHTTIME OPERATIONS. NIGHTTIME OPERATIONS UNDER THIS
11 SUBSECTION MUST COMPLY WITH THE NIGHTTIME NOISE STANDARDS PRESCRIBED BY
12 SECTION 17-602.

13 17-605. Immunity from liability and injunction
14 A SHOOTING RANGE THAT WAS CONSTRUCTED BEFORE JULY 1, 2002 IN COMPLIANCE
15 WITH EXISTING APPLICABLE COUNTY OR MUNICIPAL ORDINANCES AND ZONING
16 REQUIREMENTS AND THAT IS OPERATING IN COMPLIANCE WITH THIS CHAPTER, OR A
17 SHOOTING RANGE THAT IS CONSTRUCTED AND OPERATED AFTER JUNE 30, 2002 IN
18 COMPLIANCE WITH THIS CHAPTER, IS NOT SUBJECT TO:
19 1. CIVIL LIABILITY IN ANY MATTER RELATING TO NOISE OR NOISE POLLUTION
20 THAT RESULTS FROM OPERATING OR USING THE RANGE.
21 2. AN ACTION FOR NUISANCE ON THE BASIS OF NOISE OR NOISE POLLUTION.
22 3. AN INJUNCTION ON THE USE OR OPERATION OF THE RANGE ON THE BASIS OF
23 NOISE OR NOISE POLLUTION.