

1 H.631

2 Introduced by Representative Brennan of Colchester

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; natural resources; land use; Act 250;
6 sport shooting ranges;

7 Statement of purpose of bill as introduced: This bill proposes to exempt from
8 Act 250 changes to existing sport shooting ranges that are for the purpose of
9 safety, abating noise, or mitigating environmental impacts. The bill would also
10 prohibit a municipal bylaw from requiring a permit for changes to existing
11 sport shooting ranges that are for the purpose of safety, abating noise, or
12 mitigating environmental impacts.

13 An act relating to use of firearm suppressors at sport shooting ranges

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 10 V.S.A. § 6081 is amended to read:

16 § 6081. PERMITS REQUIRED; EXEMPTIONS

17 (a) No person shall sell or offer for sale any interest in any subdivision
18 located in this State, or commence construction on a subdivision or
19 development, or commence development without a permit. This section shall
20 not prohibit the sale, mortgage, or transfer of all, or an undivided interest in all,

1 of a subdivision unless the sale, mortgage, or transfer is accomplished to
2 circumvent the purposes of this chapter.

3 * * *

4 (w)(1) A permit or permit amendment shall not be required for a change to
5 a sport shooting range, as defined in section 5227 of this title, if each of the
6 following applies:

7 (A) The range was in operation before January 1, 2006 and has
8 operated continuously since that date.

9 (B) The change is for no other purpose than one or more of the
10 following:

11 (i) To improve the safety of range employees, users of the range,
12 or the public. The Department of Public Safety may certify that a change in a
13 sport shooting range is for this purpose and this certification shall be
14 conclusive evidence that a purpose of the change is to improve the safety of
15 employees, users, or the public.

16 (ii) To abate noise from activities at the range. A qualified noise
17 abatement professional may certify that a change in a sport shooting range is
18 for this purpose and this certification shall be conclusive evidence that a
19 purpose of the change is to abate noise from activities at the range.

20 (iii) To remediate, mitigate, or reduce impacts to air or water
21 quality from the range or the deposit or disposal of waste generated by the

1 range or its use. The Department of Environmental Conservation may certify
2 that a change in a sport shooting range is for this purpose and this certification
3 shall be conclusive evidence that such remediation, mitigation, or reduction
4 constitutes a purpose of the change.

5 (2) Obtaining a certification described in subdivision (1) of this
6 subsection shall be at the option of the range's owner.

7 Sec. 2. 24 V.S.A. § 4412(10) is added to read:

8 (10) Sport shooting ranges.

9 (A) No bylaw may require a permit for a change to a sport shooting
10 range, as defined in 10 V.S.A. § 5227, if each of the following applies:

11 (i) The range was in operation before January 1, 2006 and has
12 operated continuously since that date.

13 (ii) The change is for no other purpose than one or more of the
14 following:

15 (I) To improve the safety of range employees, users of the
16 range, or the public. The Department of Public Safety may certify that a
17 change in a sport shooting range is for this purpose and this certification shall
18 be conclusive evidence that a purpose of the change is to improve the safety of
19 employees, users, or the public.

20 (II) To abate noise from activities at the range. A qualified
21 noise abatement professional may certify that a change in a sport shooting

1 range is for this purpose and this certification shall be conclusive evidence that
2 a purpose of the change is to abate noise from activities at the range.

3 (III) To remediate, mitigate, or reduce impacts to air or water
4 quality from the range or the deposit or disposal of waste generated by the
5 range or its use. The Department of Environmental Conservation may certify
6 that a change in a sport shooting range is for this purpose and this certification
7 shall be conclusive evidence that such remediation, mitigation, or reduction
8 constitutes a purpose of the change.

9 (B) Obtaining a certification described in subdivision (10)(A) of this
10 subsection (10) shall be at the option of the range's owner.

11 Sec. 3. 10 V.S.A. § 5227 is amended to read:

12 § 5227. SPORT SHOOTING RANGES; MUNICIPAL AND STATE

13 AUTHORITY

14 (a) "Sport shooting range" or "range" means an area designed and operated
15 for the use of archery, rifles, shotguns, pistols, skeet, trap, black powder, or
16 any other similar sport shooting.

17 (b) The owner or operator of a sport shooting range, and a person lawfully
18 using the range, who is in substantial compliance with any noise use condition
19 of any issued municipal or State land use permit otherwise required by law
20 shall not be subject to any civil liability for damages or any injunctive relief

1 resulting from noise or noise pollution, notwithstanding any provision of law
2 to the contrary.

3 (c) If no municipal or State land use permit is otherwise required by law,
4 then the owner or operator of the range and any person lawfully using the
5 range shall not be subject to any civil liability for damages or any injunctive
6 relief relating to noise or noise pollution.

7 (d) ~~Nothing in this section shall prohibit or limit the authority of a~~
8 ~~municipality or the State to enforce any condition of a lawfully issued and~~
9 ~~otherwise required permit. [Repealed.]~~

10 (e)(1) In the event that the owner, operator, or user of a range is not
11 afforded the protection set forth in subsection (b) or (c) of this section, this
12 subsection shall apply. A nuisance claim against a range may only be brought
13 by an owner of property abutting the range. The range shall have a rebuttable
14 presumption that the range does not constitute any form of nuisance if the
15 range meets the following conditions:

16 (A) the range was established prior to the acquisition of the property
17 owned by the person bringing the nuisance claim; and

18 (B) the frequency of the shooting or other alleged nuisance activity at
19 the range has not significantly increased since acquisition of the property
20 owned by the person bringing the nuisance claim.

1 section 2295 of this title and shall not prohibit, reduce, or limit discharge at
2 any existing sport shooting range, as that term is defined in 10 V.S.A. § 5227.

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4 Sec. 5. EFFECTIVE DATE

5 This act shall take effect on passage.