

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2426

Introduced by

Senator Christmann

1 A BILL for an Act to provide that the operation of sport shooting ranges may not be deemed a
2 nuisance; to provide an effective date; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Sport shooting range deemed not a nuisance.** If a sport shooting
5 range has been in operation for one year since the date on which it began operation as a sport
6 shooting range, it does not become a public or private nuisance as a result of changed
7 conditions in or around the locality of the sport shooting range. If a sport shooting range
8 remains in compliance with noise control or nuisance abatement rules or ordinances in effect on
9 the date on which it commenced operation, it is not subject to a civil or criminal action resulting
10 from or relating to noise generated by the operation of the sport shooting range. A person who
11 acquires title to real property that is adversely affected by the operation of a permanently
12 located and improved sport shooting range constructed and initially operated before that person
13 acquired title to the property adversely affected may not maintain a civil action on the basis of
14 noise or noise pollution against the person who owns or operates the sport shooting range. A
15 rule, resolution, or ordinance relating to noise control, noise pollution, or noise abatement
16 adopted by the state or a political subdivision may not be applied to prohibit the operation of a
17 sport shooting range, provided the conduct was lawful and being conducted before the adoption
18 of the rule, resolution, or ordinance. Except as otherwise provided in this section, a political
19 subdivision may regulate the location and construction of a sport shooting range after the
20 effective date of this Act. Notwithstanding any other provision of law, a county or city enacting a
21 home rule charter under chapter 11-09.1, 40-05.1, or 54-40.4 may not regulate a sport shooting
22 range except as otherwise provided in this Act. As used in this Act, sport shooting range
23 means an area designated and operated by a person for the sport shooting of firearms or any

- 1 area so designated and operated by the state or a political subdivision, regardless of the terms
- 2 for admission to the sport shooting range.

3 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 1999.

4 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.