

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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; and to provide an effective date.

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
9 on the date on which it commenced operation, it is not subject to a civil or criminal action
10 resulting from or relating to noise generated by the operation of the sport shooting range. A
11 person who acquires title to real property that is adversely affected by the operation of a
12 permanently located and improved sport shooting range constructed and initially operated
13 before that person acquired title to the property adversely affected may not maintain a civil
14 action on the basis of noise or noise pollution against the person who owns or operates the
15 sport shooting range. A rule, resolution, or ordinance relating to noise control, noise pollution,
16 or noise abatement adopted by the state or a political subdivision may not be applied to prohibit
17 the operation of a sport shooting range, provided the conduct was lawful and being conducted
18 before the adoption of the rule, resolution, or ordinance. Except as otherwise provided in this
19 section, a political subdivision may regulate the location and construction of a sport shooting
20 range after the effective date of this Act. Notwithstanding any other provision of law, a county
21 or city enacting a home rule charter under chapter 11-09.1, 40-05.1, or 54-40.4 may not
22 regulate a sport shooting range except as otherwise provided in this Act. As used in this Act,
23 sport shooting range means an area designated and operated by a person for the sport

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

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