

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 575

BY SENATOR TRUMP

[Originating in the Committee on the Judiciary;

reported on March 13, 2017]

1 A BILL to amend and reenact §61-6-23 of the Code of West Virginia, 1931, as amended, relating
2 generally to shooting ranges; limiting applicability of municipal and county noise
3 ordinances for shooting ranges to those ordinances in effect at the time construction of a
4 shooting range is begun or operation of a shooting range is begun, whichever is earlier in
5 time; declaring that shooting ranges taken by eminent domain which reopen within two
6 years of the final order of condemnation in the same municipality or county are subject to
7 the noise control standards in effect at the time construction or operation of the
8 condemned shooting range began, whichever occurred earlier in time; and declaring
9 legislative intent that amendments to the section enacted during the 2017 regular session
10 are retroactive.

Be it enacted by the Legislature of West Virginia:

1 That §61-6-23 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-23. Shooting range; limitations on nuisance actions.

1 (a) As used in this section:

2 (1) "Person" means an individual, proprietorship, partnership, corporation, club or other
3 legal entity; and

4 (2) "Shooting range" or "range" means an area, whether indoor or outdoor, designed and
5 operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other
6 similar shooting.

7 ~~(b) Except as provided in this section, a person may not maintain a nuisance action for~~
8 ~~noise against a shooting range located in the vicinity of that person's property if the range was~~
9 ~~established as of the date of the person acquiring the property. If there is a substantial change in~~
10 ~~use of the range or there is a period of shooting inactivity at a range exceeding one year after the~~
11 ~~person acquires the property, the person may maintain a nuisance action if the action is brought~~

12 ~~within two years from the beginning of the substantial change in use of the range, or the~~
13 ~~resumption of shooting activity~~ No municipal or county ordinance regulating noise may subject a
14 shooting range to noise control standards more stringent than those standards in effect at the
15 time construction or operation of the shooting range began, whichever occurred earlier in time.
16 The operation or use of a shooting range may not be enjoined based on noise, nor may any
17 person be subject to an action for nuisance or criminal prosecution in any matter relating to noise
18 resulting from the operation of a shooting range, if the shooting range is operating in compliance
19 with all ordinances relating to noise in effect at the time construction or operation of the shooting
20 range began, whichever occurred earlier in time.

21 (c) ~~A person who owned property in the vicinity of a shooting range that was established~~
22 ~~after the person acquired the property may maintain a nuisance action for noise against that range~~
23 ~~only if the action is brought within two years after establishment of the range or two years after a~~
24 ~~substantial change in use of the range or from the time shooting activity is resumed~~ No shooting
25 range operating or approved for operation within this state which has been condemned through
26 an eminent domain proceeding, and which relocates to another site within the same locality within
27 two years of the final condemnation order, may be subject to any noise control standard more
28 stringent than that in effect at the time construction or operation of the shooting range which was
29 condemned began, whichever occurred earlier in time.

30 (d) ~~Actions authorized by the provisions of this section are not applicable to indoor~~
31 ~~shooting ranges the owner or operator of which holds all necessary and required licenses and the~~
32 ~~shooting range is in compliance with all applicable state, county and municipal laws, rules or~~
33 ~~ordinances regulating the design and operation of such facilities~~ It is the intent of the Legislature
34 in enacting the amendments to this section during the 2017 regular session of the Legislature that
35 the amendments be applied retroactively.