

By: Representative Woods

To: Judiciary A

HOUSE BILL NO. 1227
(As Sent to Governor)

1 AN ACT TO PROVIDE CIVIL IMMUNITY FOR NOISE POLLUTION FOR
2 SPORT-SHOOTING RANGES; TO DEFINE CERTAIN TERMS; AND FOR RELATED
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. (1) As used in this section, unless the context
6 otherwise requires:

7 (a) "Local unit of government" means a county,
8 municipality or other entity of local government;

9 (b) "Person" means an individual, proprietorship,
10 partnership, corporation, club, or other legal entity; and

11 (c) "Sport-shooting range" or "range" means an area
12 designed and operated for the use of rifles, shotguns, pistols,
13 silhouettes, skeet, trap, black powder or any other similar sport
14 shooting which complies with the provisions of subsection (3) of
15 this section.

16 (2) (a) Notwithstanding any other provision of law to the
17 contrary, a person who operates or uses a sport-shooting range in
18 this state is not subject to civil liability or criminal
19 prosecution for noise or noise pollution resulting from the
20 operation or use of the range if the range is in compliance with
21 all noise control laws, resolutions, ordinances or regulations,
22 issued by a local unit of government, that applied to the range
23 and its operation at the time the range was constructed and began
24 operation.

25 (b) A person who operates or uses a sport-shooting
26 range is not subject to an action for nuisance, and a court of the

27 state shall not enjoin the use or operation of a range on the
28 basis of noise or noise pollution, if the range is in compliance
29 with all noise control laws, resolutions, ordinances or
30 regulations issued by a unit of local government that applied to
31 the range and its operation at the time the range was constructed
32 and began operation.

33 (c) A person who subsequently acquires title to or who
34 owns real property adversely affected by the use of property with
35 a permanently located and improved range shall not maintain a
36 nuisance action against the person who owns the range to restrain,
37 enjoin or impede the use of the range where there has not been a
38 substantial change in the nature of the use of the range or by a
39 person using the range.

40 (d) Rules or regulations adopted by any state
41 department or agency for limiting levels of noise in terms of
42 described level which may occur in the outdoor atmosphere shall not
43 apply to a sport-shooting range exempted from liability under this
44 section.

45 (e) Notwithstanding any other provision of law to the
46 contrary, nothing in this section shall be construed to limit
47 civil liability except in the limited case of noise pollution.

48 (3) (a) In order to qualify for the limitation of liability
49 afforded by this act, a sport-shooting range must be located
50 wholly within a tract or parcel of land consisting of not less
51 than three hundred twenty (320) contiguous acres. All persons
52 owning property any part of which lies within one thousand (1,000)
53 yards of any boundary of the sport-shooting range property shall
54 have standing to appear and object to the location of the
55 sport-shooting range at a hearing to be conducted by the
56 Industrial Development Authority Board.

57 (b) The person seeking to operate the range and secure
58 the limitation of liability afforded by this act shall bear the
59 expense of the hearing and other costs associated therewith.

60 (c) Actual notice shall be afforded to all persons
61 having standing to object if the identity and addresses of those
62 persons can be determined by examining the property tax records of
63 the county. Actual notice shall be made in writing mailed via

64 first class mail, postage prepaid, not less than thirty (30) days
65 prior to the date set for the hearing.

66 (d) Publication shall be made in a newspaper of general
67 circulation in the county once a week for three (3) weeks, the
68 first such publication to be made not less than thirty (30) days
69 prior to the date of the hearing.

70 (e) Claims of persons who do not appear and object
71 shall be barred as provided in this act.

72 (f) Notwithstanding any provision of this act to the
73 contrary, the cause of action of any person owning property in the
74 vicinity of the proposed range and having standing to object prior
75 to the time of the hearing shall not be barred by the provisions
76 of this act provided the property owner registers his complaint
77 with the board at or before the hearing.

78 (4) The provisions of this section shall apply only in a
79 county bordering the State of Tennessee wherein U.S. Highway 78
80 intersects State Highway 7 and in a county where U.S. Highway 61
81 and State Highway 4 intersect.

82 SECTION 2. This act shall take effect and be in force from
83 and after July 1, 1999.