

2006 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 1537

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 10, 2006)

(Patron Prior to Substitute—Delegate Saxman)

A BILL to amend and reenact § 15.2-917 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 25.1-410.1, relating to condemnation of sport shooting ranges.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-917 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 25.1-410.1 as follows:

§ 15.2-917. Applicability of local noise ordinances to certain sport shooting ranges.

No local ordinance regulating any noise shall subject a sport shooting range to noise control standards more stringent than those in effect at the time the construction or operation of the range initially was approved, or at the time any application was submitted for the construction or operation of the range. The operation or use of a sport shooting range shall not be enjoined on the basis of noise, nor shall any person be subject to action for nuisance or criminal prosecution in any matter relating to noise resulting from the operation of the range, if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range. *Notwithstanding any contrary provision of law, any sport shooting range operating or approved for construction within the Commonwealth, any locality or any authority, which has been condemned through an eminent domain proceeding by any condemning authority, shall be restored fully to operations or approval by the condemning authority either within the condemning authority's county or city, or through an agreement between the condemning authority and another county or city within a reasonable distance, under all of the terms and protection provided by this section and without loss of operational capacity or financial loss.*

For purposes of this section, "sport shooting range" means an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

§ 25.1-410.1. *Relocation of sport shooting ranges.*

Any entity that condemns all or part of a sport shooting range shall provide for the total replacement of the land, facilities, and all provisions under § 15.2-917. Such replacement may be within the jurisdiction where the sports shooting range is located or the jurisdiction may negotiate with another jurisdiction within a reasonable distance for a location to provide for the required restoration.

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