



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 202
[2013 Senate Bill 527]

Sport Shooting Ranges

2013 Wisconsin Act 202 relates to liability and immunity of sport shooting ranges.

Current Law

Under current law, among other provisions in s. 895.527, Stats., relating to limitations on liability and restrictions on operation of a sport shooting range, a person who owns or operates a sport shooting range is immune from civil liability related to noise resulting from the operation of the sport shooting range. In addition, a person who owns or operates a sport shooting range is not subject to a nuisance action or to zoning conditions related to noise and no court may enjoin or restrain the operation or use of a sport shooting range on the basis of noise.

The statute further provides that any sport shooting range that existed on July 16, 2013 may continue to operate as a sport shooting range at that location notwithstanding any zoning ordinance enacted under general local zoning or planning authority if the sport shooting range is a lawful or a legal nonconforming use under any zoning ordinance that was in effect on July 16, 2013. The statute specifies that the operation of the sport shooting range continues to be a lawful use or legal nonconforming use notwithstanding any expansion of, or enhancement or improvement to, the sport shooting range.

Act 202

The Act expands the provision of current law relating to nuisance actions and zoning conditions related to noise. Under the Act, as under current law, a person who owns or operates a sport shooting range is not subject to a nuisance action or to state or local zoning conditions **related to noise**. The Act further provides that, if a shooting range, on the date it was established, was a lawful or legal nonconforming use under **any** state law or local

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

ordinance **related to its use** that was in effect on that date, the sport shooting range continues to be subject to the state laws and local ordinances related to its use that were in effect on the date it was established. Under the Act, no court may enjoin or restrain the operation or use of a shooting range on the basis of noncompliance with a state law or local ordinance related to its operation or use that was enacted after the date that the shooting range was established if the shooting range, on the date it was established, was a lawful or legal nonconforming operation or use under any state law or local ordinance related to its operation or use that was in effect on that date.

The Act also specifies that any sport shooting range that exists on July 16, 2013, may continue to operate as a sport shooting range at that location notwithstanding any zoning ordinance enacted under the statute relating to zoning of shorelands on navigable waters.

The Act creates several new provisions, as well. Under the Act, the following persons are immune from civil liability in any action commenced by the state or its political subdivisions, or by a special purpose district, related to the use, release, placement, deposition, or accumulation of any projectiles on or under the sport shooting range or other contiguous real property over which the owner or operator of a sport shooting range has an easement, leasehold, or other legal right to use: (a) an owner or operator of a sport shooting range; (b) an employee, agent, contractor, customer, or insurer of the owner or operator of a sport shooting range; or (c) any user of a sport shooting range.

The Act provides that the following persons are immune from any civil action based solely on the negligent action of a user of the sport shooting range: (a) an owner, operator, officer, or board member of a sport shooting range; and (b) any employee or volunteer acting on behalf of the owner or operator who provided recommendations regarding the operation of a sport shooting range.

The Act specifies that the statute relating to limitations on liability and restrictions on operation of a sport shooting range does not impair or diminish the private property rights of owners of property adjoining a sport shooting range.

Effective date: Act 202 takes effect on April 10, 2014.

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AS:jb;jal