

TITLE 55
PROPERTY IN GENERAL

CHAPTER 26
SPORT SHOOTING RANGES

55-2601. SPORT SHOOTING RANGE -- LIABILITY FOR NOISE POLLUTION. (1) Notwithstanding any other provision of law to the contrary, a person who operates or uses a sport shooting range in this state shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range was established, constructed or operated prior to the implementation of any noise control laws, ordinances, rules or regulations, or if the range is in compliance with any noise control laws, ordinances, rules or regulations that applied to the range and its operation at the time of establishment, construction or initial operation of the range subject to the limitations in section [55-2605](#), Idaho Code.

(2) Rules or regulations adopted by a state or local department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall not apply to a sport shooting range exempted from liability under this act.

(3) A municipal noise control ordinance may not require or be applied so as to require a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment date of the ordinance.

[55-2601, added 1996, ch. 339, sec. 1, p. 1140; am. 2008, ch. 318, sec. 1, p. 879.]

55-2602. SPORT SHOOTING RANGE -- NUISANCE ACTION -- LIMITATIONS. (1) Except as provided in this section, a person may not maintain a nuisance action for noise against a shooting range located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within three (3) years from the beginning of the substantial change.

(2) A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action for noise against that shooting range only if the action is brought within five (5) years after establishment of the range or three (3) years after a substantial change in use of the range.

(3) If there has been no shooting activity at a range for a period of three (3) years, resumption of shooting is considered establishment of a new shooting range for purposes of this section.

[55-2602, added 1996, ch. 339, sec. 1, p. 1140.]

55-2603. LOCAL REGULATION OF SPORT SHOOTING RANGE. (1) Except as otherwise provided in this act, this act does not prohibit a local unit of government from regulating the location and construction of a sport shooting range after the effective date of this act.

(2) A local unit of government may regulate noise produced as a result of a substantial change in the use of the range.

[55-2603, added 1996, ch. 339, sec. 1, p. 1140; am. 2008, ch. 318, sec. 2, p. 880.]

55-2604. DEFINITIONS. As used in this act:

- (1) "Local unit of government" means a county, city or a town.
- (2) "Person" means an individual, proprietorship, partnership, corporation, club, or other legal entity.
- (3) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other similar sport shooting. In the case of shotgun sports utilizing portable target throwers and shooting positions, the range area shall be deemed to encompass the entire parcel of real property whereupon shooting activities may be safely conducted, provided that shotfall occurs entirely upon the property of the person owning or controlling the range.
- (4) "Outdoor sport shooting range" means any range described in subsection (3) of this section, including any range operated exclusively for the use of law enforcement, with the exception of:
 - (a) Any totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floors, and ceilings, adequate ventilation, lighting systems and acoustical treatment for sound attenuation; or
 - (b) Any range described in [chapter 91, title 67](#), Idaho Code.
- (5) "Expanding" means the enlargement of scale, scope, or membership as it relates to shooting activities on a range.
- (6) "Increasing" means to become more numerous as it relates to shooting opportunities, locations, or membership on a range.
- (7) "Substantial change in use" means that the current primary use of the range no longer represents the activity previously engaged in at the range or the acquisition of additional real property for the purpose of range expansion. The following actions shall not constitute a substantial change in use:
 - (a) Expanding or increasing membership or opportunities for public, private, or law enforcement participation related to the primary activity as a shooting range;
 - (b) Making repairs or improvements to enhance safety or noise abatement;
 - (c) Increasing events and activities related to the primary activity as a shooting range;
 - (d) Acquiring additional lands to be used for buffer zones or noise mitigation efforts;
 - (e) Establishing or expanding range use hours between 7:00 a.m. and 10:00 p.m.;
 - (f) Establishing or expanding law enforcement agency range use hours between 10:00 p.m. and 7:00 a.m.; or
 - (g) Any location, relocation, or increase in the number of portable shotgun shooting positions as described in subsection (3) of this section.

[55-2604, added 1996, ch. 339, sec. 1, p. 1141; am. 2008, ch. 318, sec. 3, p. 880; am. 2021, ch. 110, sec. 1, p. 352.]

55-2605. PREEMPTION OF LOCAL AUTHORITY -- NOISE STANDARDS -- ZONING. Local governmental law is herein preempted and local governments shall

not have authority to establish or enforce noise standards for outdoor sport shooting ranges, not otherwise exempted from local regulation by this chapter, more restrictive than any standards established for state outdoor shooting ranges in [chapter 91, title 67](#), Idaho Code, nor shall a local government have the authority to make any action described in section [55-2604](#)(7), Idaho Code, a violation of a local zoning ordinance nor shall the undertaking of any such action cause an outdoor sport shooting range to be in violation of any zoning ordinance.

[55-2605, added 2008, ch. 318, sec. 4, p. 881; am. 2021, ch. 110, sec. 2, p. 353.]

55-2606. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

[55-2606, added 2008, ch. 318, sec. 5, p. 881.]