

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on March 9, 2017, and laid over for publication of notice:

L. P. ORDINANCE NO. 17-08

AN ORDINANCE RESCINDING ARTICLE III, "PUBLIC AMUSEMENTS", DIVISION 1, "GENERALLY", CHAPTER 9, "LICENSES AND BUSINESS REGULATIONS", SECTION 9-32, "LOCATION OF SHOOTING RANGES", AND RE-ENACTING AS FOLLOWS: ARTICLE III, "PUBLIC AMUSEMENTS", DIVISION 1, "REGULATION OF OUTDOOR SHOOTING RANGE FACILITIES", AND ADDING SECTION 9-33 THROUGH SECTION 9-43 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on March 23, 2017, at six o'clock p.m., at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

Sandy C. Teal, Council Clerk

Tracy Girlinghouse, Council Chairman

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on March 9, 2017, a summary thereof having been published in the Official Journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage March 23, 2017, on Motion of John Wascom and seconded by Shane Mack:

L. P. ORDINANCE NO. 17-08

AN ORDINANCE RESCINDING ARTICLE III, "PUBLIC AMUSEMENTS", DIVISION 1, "GENERALLY", CHAPTER 9, "LICENSES AND BUSINESS REGULATIONS", SECTION 9-32, "LOCATION OF SHOOTING RANGES", AND RE-ENACTING AS FOLLOWS: ARTICLE III, "PUBLIC AMUSEMENTS", DIVISION 1, "REGULATION OF OUTDOOR SHOOTING RANGE FACILITIES", AND ADDING SECTION 9-33 THROUGH SECTION 9-43 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH.

WHEREAS, it is the public policy of this state to protect the health, comfort and environment of the people of this state, and

WHEREAS, the Livingston Parish Council wishes to regulate gun and firing ranges located in the unincorporated areas of the parish of Livingston as provided in Louisiana Revised Statute 4:7;

NOW, THEREFORE, BE IT ORDAINED by the Livingston Parish Council that Article III, Chapter 9, Section 9-32 of the Code of Ordinances of Livingston Parish shall be rescinded in its entirety and re-enacted as follows: Article III, "Public Amusements", Division 1, "Regulation of Outdoor Shooting Range Facilities", and adding Section 9-33 through Section 9-43 of the Code of Ordinances of Livingston Parish.

LICENSES AND BUSINESS REGULATIONS

ARTICLE III. PUBLIC AMUSEMENTS

DIVISION 1.

REGULATION OF OUTDOOR SHOOTING RANGE FACILITIES

Section 9-32 PURPOSE

Section 9-33 INTENT

- a) Permitting, registration, and compliance
- b) Shot containment
- c) Noise mitigation

Section 9-34 DEFINITIONS

Section 9-35 APPLICABILITY

Section 9-36 PERFORMANCE STANDARDS

- a) Shot containment
- b) Noise mitigation

Section 9-37 DEVELOPMENT REQUIREMENTS

- a) Minimum design requirements
- b) Setback
- c) Warning signs
- d) Distance from Occupied Dwelling
- e) Access to Shooting Range Facility

Section 9-38 OPERATIONAL REQUIREMENTS

- a) Maintenance
- b) Best Management Practices
- c) Hours of Operation

Section 9-39 PROCEDURE FOR SECURING APPROVAL FOR OUTDOOR SHOOTING RANGES

- a) Permit Application
- b) Fees
- c) Required Information
- d) Site Plan
- e) Action

**Section 9-40 COMPLIANCE OF EXISTING OUTDOOR SHOOTING
RANGE FACILITIES**

- a) **Compliance**
- b) **Inspection, Enforcement and Authority**
- c) **Penalty**
- d) **Abandonment and Discontinuance**

Section 9-41 TRANSFERABILITY

Section 9-42 CHANGES OR EXPANSIONS

Section 9-43 EXEMPTIONS

SECTION 9-32 PURPOSE

This Shooting Range Ordinance (this “Ordinance”) is intended to regulate the establishment and operation of Outdoor Shooting Range Facilities. Due to their potential noise impacts and safety concerns, Shooting Range Facilities merit careful review to minimize adverse effects on adjoining properties. This ordinance does not otherwise apply to the general discharge of Firearms or the use of bows and arrows in accordance with all other applicable laws or regulations. This ordinance shall not include incidental Target practice areas on private property.

SECTION 9-33 INTENT

It is the intent of this Ordinance to accomplish the following:

A) PERMITTING, REGISTRATION, AND COMPLIANCE

Outdoor Shooting Range Facilities shall only be established and operated in accordance with a valid permit issued by the Parish of Livingston.

B) SHOT CONTAINMENT

Each Outdoor Shooting Range Facility shall be designed to contain the bullets, shot, and ricochets of same discharged at or within the Shooting Range Facility.

C) NOISE MITIGATION

Each Outdoor Shooting Range Facility shall be designed to minimize off-site noise impacts generated by the activities conducted on the Shooting Range Facility.

SECTION 9-34 DEFINITIONS

As used in this Ordinance, the following terms shall have the respective meanings ascribed to them:

dB(A): The sound pressure level, in decibels, as measured on a precision sound level meter on the A-weighted scale.

EPA Lead Management Guidelines: Shall mean, at any given time, the latest edition of the United States Environmental Protection Agency's Best Management Practices for Lead at Outdoor Shooting Ranges.

Firearm(s): A weapon, including but not limited to pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

NRA Range Source Book: Shall mean, at any given time, the latest edition of The Range Source Book, as published by the National Rifle Association.

Occupied Dwelling(s): Shall mean any public, residential or commercial structure which is legally occupied by one or more persons.

Person(s): Any individual, corporation, association, club, firm, or partnership.

Outdoor Shooting Range(s): An area designed and improved to encompass shooting stations or firing lines, Target areas, berms and baffles, and other related components.

Outdoor Shooting Range Facility(ies): A public or private facility, including individual Shooting Ranges, safety fans or Shotfall Zones, Structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of Firearms; provided, however, that a Shooting Range Facility shall not include incidental Target practice areas on private property.

Shotfall Zone(s): An area within which the shot or pellets contained in a shotgun shell typically fall.

Structure(s): A walled and roofed building that is principally above ground or any other permanent, manmade facilities.

Surface Danger Zone: Any area that may reasonably expect projectile impact resulting from

direct fire, including misdirected and accidental discharges, and ricochets from any Firearm, which takes into consideration all mitigation efforts as submitted by the applicant and determined by a Professional Engineer registered in the State of Louisiana.

Target(s): Any object or area which is used as the intended recipient of the projectiles fired from a Firearm.

Parish: Parish of Livingston

SECTION 9-35 APPLICABILITY

This Ordinance is applicable to all existing and future Outdoor Shooting Range Facilities in the Parish.

SECTION 9-36 PERFORMANCE STANDARDS

The following performance standards shall apply to all Outdoor Shooting Range Facilities in the Parish:

A) SHOT CONTAINMENT

Outdoor Shooting Range Facilities shall be designed to contain all of the bullets, shot or other projectiles or any other debris within the Shooting Range Facility.

B) NOISE MITIGATION

The Parish may implement noise level standards at the property lines and nearest occupied dwellings.

SECTION 9-37 DEVELOPMENT REQUIREMENTS

A) MINIMUM DESIGN REQUIREMENTS

Where not otherwise specified within this Ordinance, Outdoor Shooting Range Facilities shall meet or exceed the design standards for general and utility type of range specified by the NRA Range Source Book and as required by other regulatory agencies as they may apply.

B) SETBACKS

All shooting stations and Targets on an Outdoor Shooting Range Facility shall be located a minimum of three hundred (300) feet from any property line. The Surface Danger Zone shall be contained within the property boundary line.

C) WARNING SIGNS

Warning signs meeting or exceeding the standards set forth in the NRA Range Source Book shall be posted at one hundred-foot intervals along the entire perimeter of the Outdoor Shooting Range and along the entire perimeter of the property lines in the same intervals.

D) DISTANCE FROM OCCUPIED DWELLING

All shooting stations, Targets, and firing lines shall be located at least one-half (1/2) mile (two thousand six hundred forty (2,640) feet) from any existing Occupied Dwelling.

E) ACCESS TO SHOOTING RANGE FACILITY

Access to the Shooting Range Facility and Shooting Range shall be secured and controlled during those operating hours established in Section 9-38(c).

SECTION 9-38 OPERATIONAL REQUIREMENTS

A) MAINTENANCE

Where not otherwise specified within this Ordinance, Outdoor Shooting Range Facilities shall be operated and maintained in a manner that shall meet or exceed the standards specified in the NRA Range Source Book.

B) BEST MANAGEMENT PRACTICES

Outdoor Shooting Range Facilities shall provide a plan outlining its best management practices relating to lead management. Said plan shall meet or exceed the standards set

forth in the EPA Lead Management Guidelines.

C) HOURS OF OPERATION

Outdoor Shooting Range Facilities shall be allowed to operate between 8:00 a.m. to one-half hour before sunset Monday through Sunday.

SECTION 9-39 PROCEDURE FOR SECURING APPROVAL FOR OUTDOOR SHOOTING RANGES

The legal property owner(s) or lessee (or their agent) shall maintain a valid permit from the Livingston Parish Permit Office to establish and operate an Outdoor Shooting Range Facility with Livingston Parish.

A) PERMIT APPLICATION

An application for a permit to establish and operate an Outdoor Shooting Range Facility shall be submitted by the legal property owner(s) or lessees (or their agent) to the Parish Permit office. The application shall contain detailed contact information regarding the applicant. Such permit shall be secured prior to issuance of any other grading, building or improvement permit by the Parish.

B) FEES

Standard Permitting fees shall apply.

C) REQUIRED INFORMATION

The applicant shall provide sufficient information to demonstrate compliance with these provisions, which shall include a detailed description of the types and uses of firearms and ammunition either used or proposed to be used at the site.

D) SITE PLAN

A site plan for the entire Outdoor Shooting Range Facility which shows the following applicable information drawn by a licensed professional to a scale.

1. Property lines for any parcel upon which the Outdoor Shooting Range Facility is to be located, north arrow, plan scale, date, and ownership information for the site;
2. Complete layout of each Outdoor Shooting Range Facility, including, shooting stations or firing lines, Target areas, shot-fall zones or backstops, berms, and baffles, if any;
3. Projected noise contours sufficient to demonstrate compliance with existing noise ordinance;
4. Existing and proposed Structures; Occupied Dwellings within one-half (1/2) mile (two thousand six hundred forty (2,640) feet)); roads, streets, or other access areas; buffer areas; and parking areas for the Outdoor Shooting Range Facility; and
5. Any other appropriate information related to the specific type of Outdoor Shooting Range Facility, whether existing or proposed.

Note: The Parish may allow different site plan scales where it deems appropriate.

E) ACTION

The Parish shall take the following actions:

Permit applications and all submitted information and documents shall be reviewed by the Planning Commission and the Parish Review Engineer. The Planning Commission shall make a recommendation to the Parish Council whether the project should be approved or rejected.

The Parish Council shall approve or reject the project with a majority vote of the Council.

With a majority vote of the Council, the permit to construct and operate the Outdoor Shooting Range facility shall be issued by the Permit office to construct and operate the Outdoor Shooting Range per the submitted and reviewed plans.

SECTION 9-40 COMPLIANCE OF EXISTING OUTDOOR SHOOTING RANGE FACILITIES

A) COMPLIANCE

All existing Outdoor Shooting Range Facilities shall comply with said ordinance within one hundred eighty (180) days after the effective date of this ordinance.

B) INSPECTION, ENFORCEMENT AND AUTHORITY

Inspection of premises authority and enforcement authority are authorized for

- 1) The Parish Building Official, and/or;
- 2) The Parish Office of Emergency Preparedness Director, and/or;
- 3) The Livingston Parish Sheriff's Office, and/or;
- 4) Any state or federal agency in accordance with state and federal regulations

In cases of violations of this ordinance, or any local, state or federal law, the Parish of Livingston may serve written notice by certified mail and revoke the permit to operate said Outdoor Shooting Range Facility.

C) PENALTY

Any person constructing or operating an Outdoor Shooting Range Facility within Livingston, Louisiana, without a valid permit to construct or operate an Outdoor Shooting Range Facility with Livingston Parish, Louisiana from the Livingston Parish Permit Office, shall be fined five hundred dollars (\$500.00) a day unto the fullest extent of the law.

D) ABANDONMENT AND DISCONTINUANCE

When an existing Outdoor Shooting Range Facility is discontinued without the intent to reinstate the Shooting Range use, the property owner shall notify the Parish of such intent. In any event, the discontinuance of the Shooting Range Facility or non-use of the Outdoor Shooting Range Facility for a period in excess of one (1) year, shall create the presumption said Shooting Range Facility is abandoned, and any current, valid permits issued shall terminate. If there has been no shooting activity for a period of three (3) years, resumption of shooting shall require a permit as a new Outdoor Shooting Range Facility for purposes of this ordinance.

SECTION 9-41 TRANSFERABILITY

Permits issued and maintained by the legal property owner(s) or lessee (or their agent) to construct and operate an Outdoor Shooting Range Facility with Livingston Parish are non-transferable.

SECTION 9-42 CHANGES OR EXPANSIONS

If any Outdoor Shooting Range Facility is intended to be substantially changed or expanded to include types of Outdoor Shooting Ranges, operations, or activities not covered by an existing permit, a new permit for the entire facility shall be secured in accordance with all of the provisions of this ordinance.

SECTION 9-43 EXEMPTIONS

All government agencies are exempt from said ordinance.

BE IT FURTHER ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, that if any provision of this ordinance is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance, which can be given effect without the invalid provisions, or application, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED by the Livingston Parish Council that all ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. MACK, MR. AVERETT, MR. LOBELL, MR. ARD, MR. WASCOM,
MR. GIRLINGHOUSE, MR. TALBERT, MR. KEEN, MR. HARRIS

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 23rd day of March, 2017.

Tracy Girlinghouse, Council Chairman

ATTEST:

Sandy C. Teal, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock ____ M.

APPROVED BY PRESIDENT _____

Layton Ricks Date

VETOED BY PRESIDENT _____

Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock ____ M.