

Ordinance ___-2015
An Ordinance Amending Kitsap County Code (KCC) Title 17 and adding a chapter for the
Regulation of Shooting Facilities and Ranges

BE IT ORDAINED:

Section 1. The Kitsap County Board of Commissioners makes the following findings:

1. The United States Constitution and Washington State Constitution establish a fundamental right to bear arms by its citizens. Given that the distance that bullets expended from modern firearms often exceeds the amount of property owned by an individual or group of individuals, there is a need to establish development standards for shooting facilities and shooting ranges on those facilities.
2. As shooting facilities impact neighboring properties, and have the potential for errant bullets/rounds to leave the facility's property, the public has a right to participate in the permitting of these operations.
3. The Kitsap County Board of County Commissioners finds that it is in the public health and welfare to regulate the land use and safety aspects of new and expanded shooting facilities.

Section 2. NEW SECTION. A new Chapter, Chapter 17.XXX is added to the Kitsap County Code, Title 17 as follows:

Chapter 17.XXX
SHOOTING FACILITIES AND RANGES

Sections:

- 17.XXX.010 Applicability
- 17.XXX.020 Definitions
- 17.XXX.030 Exemptions
- 17.XXX.030 Design and Operational Standards
- 17.XXX.040 Application Requirements

17.XXX.010 Applicability.

A. A Conditional Use Permit (CUP) is required for the establishment, construction, and operation of for new shooting facilities, **current shooting facilities that add new ranges on their facility or change the use of their facility from its original operation**, and/or shooting facilities deemed by a court of law to have lost previously granted "legal nonconforming use" land use approval. A new shooting facility is one that is proposed to be constructed, operated or substantially expanded after the adoption of this ordinance. Private ranges meeting the conditions established in 17.XXX.030 Exemptions do not require a conditional use permits.

Private ranges outside the parameters of 17.XXX.030 or want to use their range for firearms repair and test must obtain a conditional use permit. Private ranges on less than five acres must obtain a conditional use permit and build the range inside an enclosed building designed to conduct firearms shooting.

B. Shooting facilities and subordinate ranges are considered private or public recreational facilities and therefore their zoning should follow private and public recreational uses authorized in the use tables of this Title.

17.XXX.020 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Backstop" means a device constructed to stop or redirect bullets fired on a range, usually directly behind the target line.

B. "Baffles" means barriers to contain bullets and/or to reduce, redirect or suppress sound waves. Baffles are placed either overhead, alongside or at ground level to restrict or interrupt errant or off-the-target shots.

C. "Ballistic trauma" means a form of physical trauma sustained from the discharge of arms or munitions. Commonly it is the penetration of the body by a bullet, marked by a small entrance wound and a larger exit wound. The wound is usually accompanied by damage to blood vessels, bones, and other tissues.

D. "Berm" means an embankment used for restricting bullets to a given area, or as a protective or dividing wall between shooting areas.

E. "Buffer" means a non-clearing native vegetation area which is intended to protect the functions and values of critical areas.

F. "Cowboy action shooting" means a type of match utilizing one or a combination of pistol(s), rifle, and/or shotgun in a variety of "old west themed" courses of fire for time and accuracy.

G. "Department" means the Kitsap County Department of Community Development.

H. "Direct fire zone" means the area on a shooting range established according to the relationship of the shooting position and the target position. Typically set up as one target for each firing point.

I. "Expansion" means any change to a shooting range existing as of the effective date of the ordinance codified in this chapter or any range developed and operating by virtue of a conditional use permit that results in additional ranges or increasing the length of the direct fire zone or the area of the shot fall zone or allowing firearms more powerful than what the range was designed/approved to use to contain projectiles. Modifications made for the purpose of, or resulting solely from, maintenance or improvement of a facility, such as the installation of sewer, water or other utilities, pavement of a parking lot, the installation of safety baffles, construction

of side or backstop berms, or the construction or remodel of a clubhouse, shall not be considered an expansion, but would require the obtaining of appropriate permits if required.

J. "Firearm" means any weapon or device by whatever name known which will, or is designed to, expel a projectile by the action of an explosion. The term "firearm" shall include, but not be limited to, rifles, pistols, shotguns and machine guns. The term "firearm" shall not include devices, including but not limited to, "nail guns," which are used as tools in the construction or building industries and which would otherwise fall within this definition.

K. "Firing Line" means a line parallel to the targets from which firearms are discharged.

L. "Firing point" means a location from which one individual fires at an associated target down range.

M. "Five stand shooting" means a shotgun shooting sport where there are five stations or stands on the firing line and multiple strategically placed target throwers that throw targets in front of the firing line.

N. "Integrated Lead Management Program Plan" means a written plan that details the specific design and operational elements that a shooting range employs to control and contain lead bullets and bullet fragments; prevents the migration of lead to surface and ground waters; removes accumulated lead bullets and bullet fragments from the shooting range for recycling; and, documents and reports the plans implementation work.

O. "Life Safety Violation" means an incident that causes substantial bodily harm to an individual or domestic animal, e.g., a bullet wound resulting in a 911 notification; or damage to a structure that results in a call to 911, Sheriff's Office, or the Department for investigation.

P. "Military training" means efforts by armed forces or Homeland Security personnel or units to enhance their proficiency using military firearms normally assigned to the individual by the appropriate service and stored by the service in designated facilities such as arms rooms.

Q. "Physical containment" means the use of physical barriers that are sufficient to contain the projectile from the highest power firearm used on a shooting range. Physical barriers include baffles, sidewalls, backstops and berms of adequate design, quantity and location to ensure that no errant projectiles can escape the shooting range,

R. "Practical shooting" means a sport which challenges an individual's ability to shoot rapidly and accurately with a full-power handgun, rifle, or shotgun. To do this, shooters take on obstacle-laden shooting courses called stages, some requiring many shots to complete, and others just a few. While scoring systems vary between practical shooting organizations, each measures the speed with which the stage is completed, with penalties for inaccurate shooting.

S. "Private range" means a range on a landowner's land exceeding five acres, designed for their personal, has one firing position thus only one person can shoot at a time, and allows no public use, no commercial use such as firearms repair testing/analysis, nor conducts public competitions,

T. “Public shooting range” means a firing range where a user fee is charged, or where a person must be a member of a group to be allowed to use the facility and membership requires the payment of dues or fees.

U. “Range Manual” means The Range Source Book – A Guide to Planning and Construction, The National Rifle Association, 2012 or later.

V. “Range Officer (RO)” or “Range Safety Officer (RSO)” or “safety officer” means a person or persons appointed by the operators of a shooting facility to oversee the safe discharge of firearms in accordance with any conditions of permit approval and any other additional safety rules and procedures adopted by the operators of the shooting facility.

W. “Ricochet catcher” means a device installed along a backstop, a berm, or on the range floor, designed to capture ricocheting projectiles. Ricochet catchers are more frequently used on backstop areas where the slope or backstop material does not positively contain bullets.

X. “Routine maintenance” means simple, small-scale activities (e.g., repairing berms using less than 150 cubic yards of soil; repairing structures such that a building permit is not required under county code, etc.) associated with regular (daily, weekly, monthly, etc.) and general upkeep of a structure of existing building, firing line, target line, parking lots, etc. Routine maintenance activities are associated with maintaining a facility in its original condition; expansion and construction of new firing positions on a firing line, new ranges, etc. are not routine maintenance.

Y. “Rules and Regulations” means standards used in the operation of a Facility. Rules and regulations are set up to govern the Facility operations and are normally part of the facility’s safety plan.

Z. “Safety fan” applies only to rifle and pistol firing ranges. The safety fan of a firing range consists of three parts: the direct fire zone, the safety zone, and the ricochet zone. The direct fire zone is that area into which all shots are fired during the normal course of shooting. This zone includes all directions and angles of fire used on a firing range while shooting at a specific target, either stationary or moving, from a specific firing point. The length of the direct fire zone extends to the maximum range of the ammunition and firearm used on the firing range, but can be shortened by physical barriers or other devices which reduce the maximum distance of a bullet’s trajectory. The safety zone extends 10 degrees to the left and right of the direct fire zone and protects against errant bullets caused by cross fire or accidental discharge of a firearm. The ricochet zone is that area 45 degrees to the left and right of the firing line, and extended a certain distance dependent on the type of firearm and ammunition allowed on the range (i.e., 85 yards for air guns, and up to 1,200 yards for high-powered rifles). The line is then extended parallel to each side of the safety zone downrange to the intersection of a line extended from the terminus of the direct fire zone through the outer corner of the safety zone

AA. “Safety baffles” means vertical or sloping barriers designed to prevent a projectile from traveling into an undesired area or direction. Most often used to prevent bullets from leaving a firing range.

BB. “Safety Plan” means the written procedures and or policies of a shooting facility specifically

defining the safety requirements utilized at that facility.

CC. “Shooting facility” or “facility” means an entity with a site having one or more shooting ranges, but does not include residential property.

DD. “Shooting range” or “range” means a place set aside and designated for the safe discharge of firearms for individuals wishing to practice, improve upon or compete as to their shooting skills. There may be one or more ranges located at a shooting facility.

EE. “Shot fall zone” means that area of a shotgun firing range where spent shotgun shot falls to the earth and where development, other than trap or skeet houses or the equivalent facilities for other types of shotgun events, and human occupancy, other than operators of the trap, skeet or equivalent facilities, is prohibited during active shooting.

FF. “Skeet shooting” means a shotgun shooting sport where firer is on the firing line and fires at targets launched from two houses in a somewhat sideways paths that intersect in front of the shooter.

GG. “Sporting Clays” means a form of Clay Pigeon Shooting which consists of multiple shooting stations laid out over natural terrain such that target presentations simulate the unpredictability of live quarry shooting.

HH. “Sourcebook” means the National Rifle Association publication, The Range Source Book: A Guide to Planning and Construction dated 2012 or later.

II. “Target Line” means the line where targets are placed.

JJ. “Trap shooting” means a shotgun shooting sport where a firer on the firing line shoots at targets launched from a single launching point and generally away from the shooter.

KK. “Wetlands” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to swamps, marshes, estuaries, bogs, and ponds less than twenty acres, including their submerged aquatic beds and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, storm water facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

17.XXX.030 Exemptions. A conditional use permit is not required for private ranges that meet the following conditions:

A. Operated on 5 or more acres of land.

B. Has a single firing point and target point.

- C. Is used by the landowner/renter or their family no more than twenty hours a month.
- D. Is not open to the public, and does not host competitions.
- E. The landowner/renter receives no compensation for the range's use.
- F. Landowner/renter may allow up to 2 additional firers to use the range when the landowner/renter is present.
- G. The range is constructed so that the firing line is oriented away from neighboring habitable residential, commercial, or industrial structures and meets the conditions established in Title 10.25 Article 1 No Shooting Zones.
- H. The Range is constructed so that there is berm behind the target point.

17.XXX.040 Design and Operational Standards

A. Outdoor Ranges

(1) Each shooting range within a shooting facility shall be designed, constructed, operated and maintained to contain bullets, shot or other discharged projectiles within the facility property. A shooting facility shall use the NRA Range Source Book, or other engineered specifications that meet or exceed the standards established by the Source Book, as a minimum to develop and implement institutional and facility controls for the safe operation, improvement and construction of shooting ranges. Facilities shall engineer and construct facilities to reduce sound impacts on neighboring communities to the maximum extent feasible. Each range will meet the following requirements:

(i) Rifle and pistol ranges that allow modern smokeless powder cartridges or center-fired cartridges shall provide adequate physical containment of projectiles in addition to any institutional controls. Adequate physical containment requires the use of the appropriate combination of overhead baffles, impact berms and sidewalls or side berms.

(ii) Overhead baffles shall be constructed of material of sufficient design to stop and contain any projectile fired from the most powerful cartridge authorized for use on that specific range, shall be placed at intervals that are sufficient to eliminate the possibility of a projectile to be fired over the top of any preceding or successive baffle, and shall extend downrange far enough to prohibit a projectile being fired over the top of the impact berm.

(iii) Impact berms shall be constructed of material of sufficient height and thickness to stop and contain any projectile fired from the most powerful cartridge authorized for use on that specific range at any elevation that is not contained by the last overhead baffle. The surface of the impact berm should be free of large rocks and debris to reduce ricochet.

(iv) Sidewalls or side berms shall be constructed of material of sufficient height and thickness that will stop and contain any projectile fired from the most powerful cartridge

authorized for use on that specific range at any elevation that is not contained by an overhead baffle or impact berm.

(2) Shotgun ranges shall be designed, constructed, and operated per the NRA Sourcebook Range Guidelines for the particular shooting type, for example, trap, skeet, etc.

(3) Shooting facilities within 500 yards of a shoreline, wetland or wetland buffer must orient the firing away from these areas or demonstrate how bullets are contained so that they do not enter these areas.

(4) Firing lines, targets and target lines must be located so that the direction of fire is not toward any structure housing people or domestic animals located within 500 yards of the point of discharge.

(5) Each shooting range shall have a Safety Plan as prescribed by the NRA Sourcebook. Each shooting range shall be used only for the shooting activities identified in the Safety Plan.

(6) Designs and safety procedures shall be evaluated by an NRA Range Technical Team Advisor (RTTA) or by a professional engineer with experience in shooting facilities or other qualified professional consultant with experience and expertise in the evaluation and design of shooting ranges. Qualified professional consultants must demonstrate their education, experience and expertise by identifying their certifications from nationally recognized shooting organizations that provide such certifications, the number and location of shooting facilities they have designed or evaluated and contact information for those facilities. Their home facility will not count towards this qualification.

(7) A shooting facility shall have at least one qualified safety officer present when open to the public. When the facility is closed to the public, a facility member who has passed the minimum training requirements of the range shall be present.

(8) Shooting facilities shall meet all applicable local fire codes when storing explosives.

(9) A shooting range to be used to conduct military training of units or individuals of any branch of the United States military, National Guard or Reserve Forces, or Homeland Security must meet the range criteria established by the appropriate military service or Homeland Security. The range must be inspected and certified by the military service or Homeland Security as meeting service requirements. Certification will accompany the application.

(10) A facility may allow the use of exploding targets (e.g. Tannerite, etc.) as provided in this subsection. Use of exploding targets is limited to one day per calendar month during a designated four-hour period between the hours of 9 a.m. to 5 p.m. The facility must designate the day and time of use in its application. If used, exploding targets must meet parameters defined and identified in the Safety Plan, including that exploding targets shall only be used within the parameters defined by the manufacturer, and shall not exceed one-half pound of mixture. A facility allowing use of exploding targets shall demonstrate how it

mitigates the noise impacts on surrounding neighbors. Mitigation may be an approved bunkering system that surrounds the target on three sides and forces the sound back towards the shooter and upward.

(11) If a facility utilizes cannon(s) for audio effect purposes, a noise variance per Ch. 10.28 KCC shall be required.

(12) All shooting facilities shall provide a means for participants and spectators to readily contact emergency services such as fire or medical aid.

(13) Shooting facilities within 500 yards of a shoreline, wetland or wetland buffer must orient the firing away from these areas or demonstrate how bullets are contained so that they do not enter these areas.

(14) Firing lines, targets and target lines must be located so that the direction of fire is not toward any structure housing people or domestic animals located within 500 yards of the point of discharge.

(15) Shooting facilities conducting cowboy action shooting, practical shooting, and similar sports shooting matches must meet the following requirements:

- (i) A shooting facility is limited to two (2) competition events per calendar month; and
- (ii) All such competition events or practices shall take place on a range constructed in compliance with this chapter; and
- (iii) For any competition event or practice in which shooting takes place where overhead baffling is not present, an on-duty range control officer must be present at the practice site alongside the shooter; and
- (iv) For practice in which shooting takes place where overhead baffling is not present, the facility must limit the hours of practice to daylight hours between nine (9) a.m. to five (5) p.m.; and
- (v) Practice must be restricted to one range at any given time.

(16) Noise. All firing line locations shall be located such that the sound levels generated by the discharge of firearms on the range do not exceed 85 C-weighted peak level at the property line. The burden of proof that the proposed range will meet this standard shall rest with the applicant. All noise studies shall be performed by a professional engineer registered in the State of Washington or by a person with a degree in a discipline related to acoustics.

(17) Security. The entire perimeter of all public outdoor shooting range safety fans and shotfall zones shall be fenced and signed to reduce the potential for trespass into the safety fans and shotfall zones. Warning signs identifying the range shall be posted around the perimeter of the parcel or parcels on which the shooting range is located such that each sign is visible and legible from the next. The same signs shall be posted similarly on the security fencing surrounding the safety fan(s).

(18) Operational Permit. An approved conditional use permit shall serve as the initial operational permit required under KCC 10.25 Article 2. This initial operational permit shall be valid for five years upon the approved opening of the range as meeting the conditions of

the conditional use permit. Subsequent operational permits shall follow the procedures identified in KCC 10.25 Article 2.

B. Indoor Ranges

(a) Each shooting range within a shooting facility shall be designed, constructed, operated and maintained to contain bullets, shot or other discharged projectiles within the facility property. A shooting facility shall use the NRA Range Source Book, or other engineered specifications that meet or exceed the standards established by the Source Book, as a minimum to develop and implement institutional and facility controls for the safe operation, improvement and construction of shooting ranges. Facilities shall engineer and construct facilities to reduce sound impacts on neighboring communities to the maximum extent feasible.

(b) Indoor ranges shall be oriented such that the target line inside the building is pointed away from inhabitable structures used for residential, commercial, or industrial use; public and private roads adjacent to the property line of the parcel containing the range; and, motorized/non-motorized trails used by the public on or adjacent to the property.

(c) Indoor ranges to be used to conduct military training of units or individuals of any branch of the United States military, National Guard or Reserve Forces, or Homeland Security must meet the range criteria established by the appropriate military service or Homeland Security. The range must be inspected and certified by the military service or Homeland Security as meeting service requirements. Certification will accompany the application.

C. Military/Homeland Security Training. A range facility may conduct military/Homeland Security Forces marksmanship training for units provided the range is constructed and certified by the appropriate regional flag officer command and meets the requirements of military regulations governing the use of such private facilities.

D. Parking. At a minimum, there shall be one and one-half parking places for each firing position.

E. Drainage and Erosion Control. The range and associated facilities shall be designed to keep storm runoff from the range site at a volume and velocity no greater than what existed prior to range development. Appropriate erosion control measures shall be designed and installed to maintain the water quality of the storm runoff from the range to predevelopment levels.

F. Environmental Controls. Each shooting facility operator shall develop and submit an Integrated Lead Management Program Plan to reclaim lead deposited by shooting activities. This plan will be reviewed and approved by the Kitsap Public Health District.

17.XXX.080 Inspections.

No public shooting range shall commence operations until the range has been inspected and approved by the Director or his/her designee to ensure that the facilities and development of the

range conform with the conditional use permit and other required permits. The Director or designee shall inform the applicant, in writing, within 10 days of his/her inspection, whether the public outdoor shooting range meets the requirements of the permit; any deficiencies shall also be noted and operations shall not commence until they have been corrected and the site re-inspected and approved.