

ORDINANCE # 1 OF 2003

SPORT TARGET SHOOTING ORDINANCE

The County of Antrim does hereby ordain:

ARTICLE 1

- 1.01.1 PURPOSE: The County of Antrim, having ownership of a large number of parcels of property throughout the County, has the control and stewardship of these parcels for use by the County and for the benefit of all of its citizens. The Board of Commissioners of Antrim County is concerned with the potential liability, which could arise from the use of any County property for sport target shooting, with the possible result of injury to citizens or the general public who may be using those County lands for other recreational purposes. Additionally, the Board of Commissioners is concerned with trash and rubbish being left upon County property by those persons conducting sport target shooting.
- 1.01.2 STATUTORY PROVISIONS: Michigan's Sport Shooting Range Protection Act (Public Act 269 of 1989, as amended) is a statutory scheme for the regulation and civil immunity arising from the operation of sport shooting ranges owned and used as sport shooting ranges that conform with the "generally accepted operation practices". Section 1 of Public Act 269 of 1989, as amended, required the Natural Resources Commission to adopt "generally accepted operation practices." On February 5-6, 1997, the Natural Resources Commission adopted Section 1, Chapter 2 of the National Rifle Association Range Manual, A Guide to Planning and Construction, 1988, as the "generally accepted operation practices" required under Michigan's Sport Shooting Range Protection Act. However, the National Rifle Association has replaced the National Rifle Association Range Manual, A Guide to Planning and Construction, 1988 with the National Rifle Association Range Source Book, 1999, and the National Rifle Association has declared the National Rifle Association Range Manual, A Guide to Planning and Construction, 1988 null and void. Since the replacement of the National Rifle Association Range Manual, A Guide to Planning and Construction, 1988, the Natural Resources Commission has not adopted any new "generally accepted operation practices". However, the Natural Resources Commission is currently developing new "generally accepted operation practices" for both supervised and unsupervised sporting shooting ranges. Thus, the County is concerned that currently there are not any "generally accepted operation practices."

ARTICLE 2

2.01 DEFINITIONS:

- 2.01.1 "Sport Target Shooting" means the use of archery, rifles, shotguns, pistols, silhouettes, skeet, black powder, or any other similar device used for sport shooting for the purpose of practice, training or "sighting-in" such devices.
- 2.01.2 "Person" means an individual, proprietorship, partnership, corporation, club, governmental entity, or other legal entity.

ARTICLE 3

- 3.01 **PROHIBITED USES:** A person shall not use any property owned by the County of Antrim for the purpose of sport target shooting.
- 3.02 **EXCLUDED FROM PROHIBITED USES:** Nothing in this Ordinance shall be deemed to prohibit the use of property owned by the County of Antrim for the following purposes:
 - 3.02.01 Hunting or the discharge or use of any archery, rifles, shotguns, pistols, silhouettes, skeet, black powder, or any other similar device while hunting.
 - 3.02.02 Training, qualification, practice or discharge of any assault weapons, rifles shotguns, or pistols, by any law enforcement officers, reserve officers, or any employees of any law enforcement agency or prosecuting attorney's office while doing so at the direction or requirement of their Department.
 - 3.02.03 Any County Property designated by the Antrim County Board of Commissioners as a sport shooting range.

ARTICLE 4

- 4.01 **PENALTIES:** A person who violates any section of this Ordinance, rule or order shall, in accordance with M.C.L.A. 46.10b and M.C.L.A. 600.8701 et. seq., be deemed responsible for a municipal civil infraction, punishable by a fine of not more than \$500.00.
- 4.02 **ENFORCEMENT:** Any peace officer, law enforcement officer or conservation officer may enforce this ordinance and may issue municipal civil infraction citations.

ARTICLE 5

5.01 **SAVING CLAUSE:** The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in force.

5.02 **EFFECTIVE DATE:** This Ordinance shall take effect upon publication of notice of adoption.

Passed: July 10, 2003

Yea _____ Nay _____

Laura Sexton, County Clerk

Jack White, Chair
Antrim County Board of Commissioners

Jack White, Chairman, called the meeting to order at 9:00 a.m.

The Pledge of Allegiance was given.

Present: Robert McLeod, Eugene Dawson, Larry Bargy, Jack White, David Howelman, Michael Crawford, Laura Stanek, Bernard Blackmore, Joseph Allen

Absent: Nonc.

The Chairman requested Public Comment. Jim Gerr spoke on the Commission's attention to the public when addressing issues. Lawrence Wolgamott objected to the special interest groups influencing Commission's decisions and encouraged board member's adherence to the constituents. Ed Martel objected to payments for land information and maintained the Conservation District was doing things that interfere with the process of obtaining soil erosion permits. Alan Martel spoke on Planning Commission issues. Public Comment closed at 9:23 a.m.

Charles Koop, Prosecuting Attorney explained the Sport Target Shooting Ordinance for the Wilks Memorial Forest.

ORDINANCE #01-03 by Larry Bargy, seconded by David Howelman

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It was moved by McLeod, seconded by Crawford that Ordinance #01-03 be tabled. Motion FAILED by a yea and nay vote as follows: No - Bargy, White, Howelman, Stanek, Blackmore; Yes - McLeod, Dawson, Crawford, Allen; Absent - None.

Motion to table having failed, the roll call vote on Ordinance #01-03 was taken as follows:

Yes - Bargy, White, Howelman, Stanek, Blackmore, Allen;
No - McLeod, Dawson, Crawford;
Absent - None.

ORDINANCE #01-03 DECLARED ADOPTED.