CHAPTER 18

Shooting Range Protection Act

**SECTION 31‑18‑10.** Chapter title.

 This chapter may be cited as the “South Carolina Shooting Range Protection Act of 2000”.

HISTORY: 2000 Act No. 260, Section 1.

**SECTION 31‑18‑20.** Definitions.

 As used in this chapter:

 (1) “shooting range” or “range” means an area that is:

 (a) designated, utilized, and operated by a person for the firing of firearms; where

 (b) the firing of firearms is the usual, regular, and primary activity occurring in the area; and where

 (c) the improvements, size, geography, and vegetation of the area are such that a projectile discharged from a firearm at a target would not reasonably be expected to escape its boundaries by virtue of the trajectory of the projectile, or by virtue of a backstop, berm, bullet trap, impact barrier, or similar device designed to prevent the escape of such projectiles.

 (2) “person” means an individual, partnership, limited liability company, corporation, club, association, governmental entity, or other legal entity.

 (3) “substantial change in use” or “substantial change in the use” means that the current primary use of the range no longer represents the activity previously engaged in at the range.

HISTORY: 2000 Act No. 260, Section 1.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Public Nuisance Section 6, Acts Authorized by Law as Not Constituting Public Nuisance.

**SECTION 31‑18‑30.** Nuisance action.

 (A) Except as provided in this subsection, a person may not maintain a nuisance action for noise against a shooting range, or the owners, operators, or users of the 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 the use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within three years from the beginning of the substantial change.

 (B) 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, or the owners, operators, or users of the range, only if the action is brought within five years after establishment of the range or three years after a substantial change in use of the range.

 (C) If there has been no shooting activity at a range for a period of three years, resumption of shooting is considered establishment of a new shooting range for purposes of this section. The three‑year period shall be tolled if shooting activity ceases due to legal action against the shooting range or the owners, operators, or users of the shooting range.

HISTORY: 2000 Act No. 260, Section 1.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Public Nuisance Section 6, Acts Authorized by Law as Not Constituting Public Nuisance.

NOTES OF DECISIONS

In general 1

1. In general

Neighbors could maintain nuisance action against property owner, even though owner’s property constituted a shooting range and was subject to the protections of the Shooting Range Protection Act; owner did not establish his shooting range until 2002, when 30 tons of dirt was delivered to property to serve as a backstop for firing guns and the intensity of people firing guns increased, the Act allowed people who owned property in the vicinity of a shooting range to file a nuisance actions within five years after the establishment of a range, and neighbors filed nuisance action two years after range was established. Shaw v. Coleman (S.C.App. 2007) 373 S.C. 485, 645 S.E.2d 252. Nuisance 6; Nuisance 29

Property owner’s property constituted a shooting range, for the purpose of the Shooting Range Protection Act, which prohibited individuals from filing a nuisance action against the owner of a shooting range in certain circumstances, even though the property also included owner’s residence and shooting was not the sole activity conducted on property; property had an area specifically designated for firing weapons, which included a backstop or berm, owner had a valid business license and permits to operate firearms on property, and two witnesses testified that owner established a shooting range that complied with the Act. Shaw v. Coleman (S.C.App. 2007) 373 S.C. 485, 645 S.E.2d 252. Nuisance 6

**SECTION 31‑18‑40.** Application of noise control ordinance.

 (A) A county, municipal, or state noise control ordinance, rule, or regulation may not require or be applied to require a shooting range to limit or eliminate shooting activities that have occurred on a regular basis before January 1, 2000.

 (B) A county, municipal, or state noise control ordinance, rule, or regulation may not be applied to a shooting range that was in compliance with a noise control ordinance as of the date of its establishment, provided there is no substantial change in the use of the range subsequent to its initial compliance.

 (C) A county, municipal, or state noise control ordinance, rule, or regulation may not be applied to a shooting range that was in existence prior to the enactment of a noise control ordinance, rule, or regulation, provided there is no substantial change in the use of the range.

HISTORY: 2000 Act No. 260, Section 1.

**SECTION 31‑18‑50.** Local regulation of location and construction of new shooting range.

 Except as otherwise provided in this chapter or the law of this State, this chapter does not prohibit a local government from regulating the location and construction of a new shooting range after the effective date of this chapter.

HISTORY: 2000 Act No. 260, Section 1.

**SECTION 31‑18‑60.** Notification of proximity of shooting range.

 Each county in this State in which there is an existing shooting range or in which a shooting range is established must prominently display a sign at a one‑mile radius of each shooting range on all primary highways to notify the public that they are entering the area of a shooting range which shall bear the following inscription:

“SHOOTING RANGE—NOISE AREA”

 The sign must conform to the Manual of Uniform Traffic Control Devices and the policies of the Department of Transportation. The cost of fabricating the sign must be paid by the shooting range. Any shooting range in existence prior to January 1, 2000, must have a sign installed by January 1, 2001.

HISTORY: 2000 Act No. 260, Section 1.