

NONCODE ORDINANCE

By: Borough Manager

Introduced: 08/07/18

Public Hearing held and continued to 09/04/18: 08/21/18

Public Hearing: 09/04/18

Amended: 09/04/18

Adopted: 09/04/18

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 18-086**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY
ESTABLISHING A COMMERCIAL, EDUCATIONAL, AND NONPROFIT OUTDOOR
SHOOTING FACILITY WORKING GROUP.

WHEREAS, Alaska Statute 29.35.145 provides that the authority to regulate firearms and knives is reserved to the state, except as specifically provided by statute, and a municipality may not enact or enforce an ordinance regulating the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation, or registration of firearms or knives; and
WHEREAS, AS 29.35.145(b) (2) allows municipalities to enact and enforce ordinances restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that people, domestic animals, or property will be jeopardized, not abridging the right of the individual guaranteed by Art. I, sec. 19 of the Alaska Constitution to bear arms in defense of self or others; and

WHEREAS, AS 29.40.010(a) requires that a second class borough provide for land use regulation as a mandatory areawide power; and

WHEREAS, AS 29.35.145 does not preempt second-class boroughs from regulating land use concerning commercial, educational, and nonprofit outdoor shooting function of planning, platting, and zoning in the Borough; and

WHEREAS, MSB 15.04.015 provides that the Planning Commission perform the areawide function of planning, platting, and zoning in the Borough; and

WHEREAS, MSB 15.04.015 provides that the planning commission shall recommend to the Assembly a zoning ordinance to implement the comprehensive plan; and

WHEREAS, the Matanuska-Susitna Borough has experienced a substantial increase in population density in areas proximate to existing commercial, educational, and nonprofit outdoor shooting facilities and therefore has a substantial interest in ensuring the compatibility of commercial, educational, and nonprofit outdoor shooting facilities with surrounding land uses and in minimizing potential safety hazards created by the operation of commercial, educational, and nonprofit outdoor shooting facilities; and

WHEREAS, public concerns have been raised over the safety and land use compatibility of commercial, educational, and nonprofit outdoor shooting facilities located in increasingly populated areas; and

WHEREAS, the Borough has extensive rural areas where commercial, educational, and nonprofit outdoor shooting facilities may be appropriate, but where emergency services are scarce, and adopting a commercial, educational, and nonprofit outdoor shooting ordinance would promote public safety and preserve limited emergency services; and

WHEREAS, commercial, educational, and nonprofit shooting facilities benefit the Borough by providing its residents the opportunity to learn firearm safety, to practice shooting, and to participate in amateur recreational firearm sports in a safe, controlled setting; and

WHEREAS, the Assembly finds that it is in the public interest to protect and preserve the continued viability of commercial, educational, and nonprofit outdoor shooting facilities in the Borough in the face of increasing population pressure and conflicting land uses; and

WHEREAS, the Assembly finds that uniform provisions for the establishment and operation of all commercial, educational, and nonprofit outdoor shooting facilities in the Borough would provide assurance of the safe conduct of recreational and educational shooting activities in the Borough, provided these provisions: (1) promote safety by establishing a permitting procedure and rules for the siting, design, and operation of commercial, educational, and nonprofit outdoor shooting facilities that safeguard

participants, spectators, neighboring properties and the public; (2)do not prohibit or expressly regulate the discharge of firearms; (3)involve measures designed to make the discharge of firearms safe; (4)protect from lead contamination; (5) ensure compatibility with neighboring land use; and (6)promote the continued availability of commercial, educational, and nonprofit shooting facilities; and

WHEREAS, the Borough recognizes the technical expertise and research required to perfect a code providing for the establishment and operation of commercial, educational, and nonprofit outdoor shooting facilities; and

WHEREAS, the Assembly is creating a temporary working group, known as the Commercial, Educational, and Nonprofit Outdoor Shooting Facility Working Group, to utilize technical expertise and research in advising the Assembly and Administration on any and all aspects, effects and concerns related to commercial, educational, and nonprofit outdoor shooting ranges. Research topics include, but are not be limited to, relevant case study research of ordinances in other municipalities, best management practices, environmental effects, land use and design principles, and health and safety standards; and

WHEREAS, the Commercial, Educational, and Nonprofit Outdoor Shooting Facility Working Group has no authority to act on behalf

of the Borough or communicate on the Borough's behalf other than to make recommendations to the Assembly and Administration.

BE IT ENACTED:

Section 1. Classification. This ordinance is a noncode ordinance.

Section 2. Establishment. There is established a commercial, educational, and nonprofit outdoor shooting facility working group, to be provided secretarial and staff support principally from the Borough Planning Department.

Section 3. Composition. The Commercial, Educational, and Nonprofit Outdoor Shooting Facility Working Group shall be comprised of nine members who are appointed by the Mayor and approved by the Assembly. As feasible, they shall be drawn from the following broad categories:

- Two representatives of commercial, educational, and nonprofit outdoor shooting facilities in the Matanuska-Susitna Borough;
- One senior official in law enforcement, or their designee;
- One with expertise in environmental protection;
- One from the National Rifle Association;
- One from a local sport shooting or fish & game organization;

- Two residents within mile from an existing commercial, outdoor shooting facility; and
- One at-large member.

Section 4. Functions and duties. The Outdoor Commercial, Educational, and Nonprofit Shooting Facility Working Group shall conduct research pertaining to relevant aspects of commercial, educational, and nonprofit outdoor shooting facilities to inform recommendations to the Assembly. Research topics include, but are not be limited to, case study research of ordinances in other municipalities, best management practices, environmental effects, land use and design principles, and health and safety standards.

The Commercial, Educational, and Nonprofit Outdoor Shooting Facility Working Group shall advise the Assembly and Administration regarding uniform provisions for the establishment and operation of commercial, educational, and nonprofit outdoor shooting facilities in the Borough to provide assurance of the safe conduct of recreational and educational shooting activities. Recommendations shall inform Assembly adoption of an ordinance that:

(1) provides for and promotes safety by establishing a permitting procedure and rules for the siting, design and operation of commercial, educational, and nonprofit shooting range facilities that safeguards participants, spectators, neighboring properties and the public;

(2) does not prohibit or expressly regulate the discharge of firearms;

(3) involves measures designed to make the discharge of firearms safe;

(4) protects from lead contamination;

(5) ensures compatibility with neighboring land use; and,

(6) promotes the continued availability of shooting facilities for firearm education, practice in the safe use of firearms, and recreational firearm sports.

Section 5. Sunset clause. The Commercial, Educational, and Nonprofit Outdoor Shooting Facility Working Group will disband upon final Assembly adoption of commercial, educational, and nonprofit outdoor shooting facility provisions or August 7, 2019, whichever may come first.

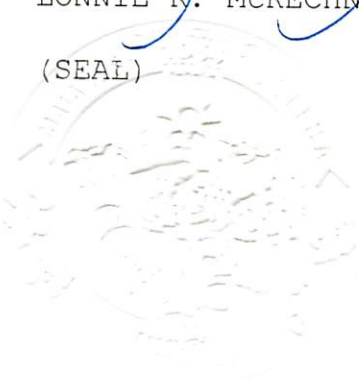
Section 6. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 4 day
of September, 2018.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)



YES: Sykes, Beck, Mayfield, and Doty

NO: McKee, Leonard, and Kowalke

