

CODE ORDINANCE
Sponsored by: Borough Manager
Referred to the Planning Commission for 90 days: 02/18/20
Set for Introduction on 09/15/20: 05/05/20
Introduced: 09/15/20
Public Hearing: 11/17/20
Amended: 11/17/20
Adopted: 11/17/20
Reconsideration Filed: 11/18/20
Reconsideration Passed: 12/01/20
Reconsideration Vetoed: 12/01/20
Motion to Override Mayoral Veto failed: 12/01/20

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 20-025**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 17.68, OUTDOOR SHOOTING FACILITIES, IN ORDER TO ESTABLISH STANDARDS FOR COMMERCIAL, EDUCATIONAL, AND NONPROFIT OUTDOOR SHOOTING FACILITIES.

WHEREAS, the rationale and intent of this ordinance are found in IM NO. 20-047 which accompanies this ordinance.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Adoption of Chapter. MSB 17.68 is hereby adopted as follows:

17.68 OUTDOOR SHOOTING FACILITIES

17.68.010 INTENT

17.68.020 DEFINITIONS

17.68.030 APPLICABILITY

17.68.040 APPLICATION PROCEDURES

17.68.050 GENERAL STANDARDS

17.68.060 OPERATING STANDARDS

17.68.070 APPEALS

17.68.080 TERMINATION OF PERMIT

17.68.090 TRANSFER OF PERMIT

17.68.100 NONCONFORMING USES

17.68.110 VIOLATIONS, ENFORCEMENTS, AND PENALTIES

17.68.010 INTENT

(A) It is the intent of this chapter to allow outdoor shooting facilities to operate within the Borough while minimizing the likelihood that people, domestic animals, or properties will be jeopardized.

17.68.020 DEFINITIONS

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Outdoor shooting facility" means real property used for commercial, educational, or non-profit shooting activities, typically involving rifles, shotguns, pistols, silhouettes, skeet, trap or black powder.

"Firing Position (Point)" means an area where firearms are discharged, having a specified width and depth that is occupied by a shooter, their equipment and, if appropriate, an instructor.

"Firing Lane" means the expected path of gunfire from the firing position to the target.

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

"Surface Danger Zone (SDZ)" means a depiction of the mathematically predicted area a projectile will return to earth either by direct fire or by ricochet. The SDZ is the area extending from a firing point to a distance downrange based on the projectiles fired.

17.68.030 APPLICABILITY

(A) This chapter applies in all areas of the Borough including special land use districts and residential land use districts. Where this chapter is in conflict with the conditions of a special land use district or residential land use district, the most restrictive conditions shall apply.

(B) This chapter does not apply within the cities of Houston, Palmer, or Wasilla.

(C) This chapter applies to all outdoor shooting facilities except outdoor shooting facilities that are used exclusively for:

- (a) archery or air guns;
- (b) law enforcement or United States Military purposes; or
- (c) fully enclosed facilities designed to offer a completely controlled shooting environment.

(D) This chapter does not regulate the discharge of firearms on private property where the property is not open to the public on an education, nonprofit, or membership basis.

17.68.040 APPLICATION PROCEDURES

(A) An application for an outdoor shooting facility permit may be initiated by a property owner or the owner's authorized agent and shall be filed on a form provided by the Borough.

(1) The application for an outdoor shooting facility permit shall be accompanied by an appropriate filing fee as established by the assembly, payable to the Borough.

(2) The application shall include the following:

(a) a certified site plan drawn to scale showing a complete layout of the range including location of backstops, firing lanes, firing positions, firing lines, side berms, target areas, and baffles;

(b) identification of all buildings within 1,000 feet of the firing positions;

(c) dimensions and construction materials of all backstops, baffles, firing lanes, and side berms; and

(d) maximum caliber of firearm to be allowed at the range, if any.

(e) certification by a professional civil engineer or other qualified professional registered in the state of Alaska under AS 08.48 that the facility is designed to meet the requirements of 17.68.050(A)(3)-(4).

(f) A site-specific environmental stewardship plan for managing shooting-associated materials, in accordance with EPA Best Management Practices.

(g) Surface danger zones as determined by a professional engineer registered in the state of Alaska under AS 08.48.

(B) The Director or designated staff shall determine whether an application for an outdoor shooting facility is complete. The Director shall provide the applicant with a written explanation of application deficiencies within 10 working days of the date the application is received.

(C) Notification for outdoor shooting facilities shall be in accordance with MSB 17.03, public notification, except that the notification area will be one-half mile.

(D) Within 45 calendar days of receipt of a complete application the Director shall approve the permit upon determination that the standards of this chapter have been met.

17.68.050 GENERAL STANDARDS

(A) In granting a permit under this chapter, the Director shall make findings that all of the following standards have been met:

(1) Firing positions are located at least one thousand feet from all habitable buildings which are not on the same parcel.

(a) This standard only applies to buildings which were in existence at the time that application was made for the outdoor shooting facility.

(2) There are no habitable buildings within the surface danger zone.

(3) The proposed backstops are:

(a) impenetrable to all calibers used at the facility;

(b) designed to contain all projectiles within the designated shooting area;

(c) constructed of material that does not cause unintended ricochet of projectiles; and

(d) connected to each side berm.

(4) The proposed side berms shall:

(a) be constructed parallel to firing lanes:

(b) extend the length of the firing lanes, from the backstop to the firing line;

(c) be a minimum of eight feet in height;

(d) be designed to contain all projectiles within the designated shooting area;

(e) be impenetrable to all calibers used at the facility;

(f) be constructed of material that does not cause unintended ricochet of projectiles.

(5) The Director may waive the requirement for side berms if it is determined they are not necessary because of natural topographic features.

(6) Shotgun-only ranges are exempt from paragraphs (3) through (5) of this subsection.

(7) Outdoor shooting facilities may not be designed in a manner that directs projectiles into or over waterbodies or wetlands.

17.68.060 OPERATING STANDARDS

(A) Hours of operation shall not to exceed 8 a.m.

- 9 p.m.

(B) No sound resulting from the outdoor shooting facility is allowed to exceed 90 dB(a) as measured at the nearest building within the boundary of the property of the receiving land.

17.68.070 APPEALS

(A) Appeals from a decision of the Director granting or denying a permit under this chapter shall be filed and conducted in accordance with MSB 15.39.

17.68.080 TERMINATION OF PERMIT

(A) Except as otherwise specified by code, a permit issued under this chapter will become null and void under the following conditions:

(1) notification of termination of the permit for failure to comply with an order to correct violations of a permit;

(2) failure to initiate the use for which the permit was issued within five years of the date of the permit issuance;

(3) cessation of the use for which the permit was issued for a period exceeding five consecutive years.

17.68.090 TRANSFER OF PERMIT

(A) Except as otherwise specified by code, the privileges and requirements of a permit issued under this chapter shall run with the land.

(B) Within 90 days of recording the transfer of ownership of the subject land, the new owner must provide written notification and a signed acknowledgment that the new owner assumes responsibility for compliance with the requirements of the permit.

17.68.100 NONCONFORMING USES

(A) Within the Borough there may be commercial outdoor shooting facilities that have commenced actual construction or are in existence as of the effective date of this chapter. Such facilities which were lawful before the effective date of this chapter, but which would otherwise be prohibited, regulated or restricted under this chapter, are allowed to continue but shall not be expanded except as provided in this chapter.

(B) No nonconforming use shall be constructed or operated except in accordance with these regulations, except to the extent it was in existence or under actual construction as of the effective date of the ordinance codified herein or amendment thereto.

17.68.110 VIOLATIONS, ENFORCEMENTS, AND PENALTIES

(A) Remedies, enforcement actions, and penalties

shall be consistent with the terms and provisions of MSB 1.45.

(B) In addition to other applicable penalties, failure to correct the violation of code, after reasonable notice, may result in revocation of the permit.

(C) Complaints received by the Borough of violations of state or federal law will be forwarded to the appropriate agency for enforcement.

(D) Authorized representatives of the Borough shall be allowed to inspect the site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions.

(E) The permittee shall assist and cooperate with authorized inspections upon reasonable notice from the Borough.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 17 day
of November, 2020.



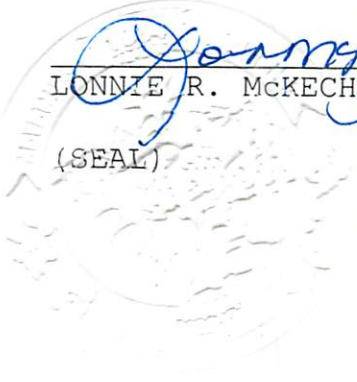
VERN HALTER, Borough Mayor

ATTEST:



LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



11/17/20 Motion to Adopt Vote:

YES: Hale, Nowers, McKee, Mayfield, and Boeve

NO: Leonard and Sumner

12/01/2 Reconsideration Vote:

YES: McKee, Yundt, Tew, and Sumner

NO: Hale, Nowers, and Boeve

12/01/20 Motion to Override Veto (Requires 5 votes):

YES: McKee, Yundt, Tew, and Sumner

NO: Hale, Nowers, and Boeve