

COUNTY OF NEVADA
STATE OF CALIFORNIA
BOARD OF SUPERVISORS



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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: July 14, 2020

TO: Board of Supervisors

FROM: Ed Scofield, District II Supervisor

SUBJECT: An Ordinance amending Section 1.27 to Chapter VII Article I of the General Code of the County of Nevada pertaining to Discharging a Firearm. (4/5 Affirmative Vote Required)

RECOMMENDATION: Adopt the attached Ordinance.

FUNDING: N/A

BACKGROUND: On December 11, 2018 the Board of Supervisors adopted Ordinance 2459 amending Section 1.27 of Article I Chapter VII of the General Code of the County of Nevada pertaining to Discharging a Firearm. The intent of the amendment was to mitigate the negative impacts that shooting can create as a nuisance to neighboring communities on residential zoned parcels that include RA, R1, R2 and R3. Specifically, the amendment addressed issues pertaining to a) the distance of shooting near neighboring dwellings and residences, b) allowable times for shooting, c) restrictions or guidance on continuous shooting, d) restrictions on shooting near schools, and e) restrictions for shooting on Red Flag Warning Days to prevent wildfire. Ordinance 2459 amended allowable and unlawful activities as they relate to the discharging of firearms in County General Code G-VII 1.27 which was initially codified in the Code via Ordinance 1500 on May 10, 1988.

Subsequently, on November 7, 2019, the Board of Supervisors received a letter from the Nevada County Sportsmen, Inc. ("also referred to as the Nevada County Sportsmen Club") outlining its concerns over Ordinance 2459 resulting in negative impact on their commercial operations that included a) the change of time for allowable shooting from ½ before sunrise to ½ after sunset to 9 a.m. to 5 p.m., and b) the prohibition of shooting during a Red Flag Warning. Historically, the Nevada County Sportsmen Club hours of operation are Wednesdays 9 a.m. to 6 p.m., Saturdays, 10 a.m. to 6 p.m. and Sundays, 9 a.m. to 6 p.m. The 6 p.m. curfew allows for members that have a later quitting time at work to be able to use the shooting range. Subsequently, Ordinance 2459 prevents members to shoot during the Club's hours of operation. Secondly, the prohibition of shooting during Red Flag Warning Days prevents members from using the Club's facilities despite having no vegetation in the shooting lane with an equipped 6' +/- tall earthen berm placed at various yardages to catch bullets which effectively eliminate ricochets.

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Additionally, while Ordinance 2459 created new restrictions on the discharging of firearms, it left in place, with slight amendment, an exemption in subparagraph B that any shooting ranges that registered with the Sheriff's Department within 90 days of the adoption or amendment of the Ordinance are exempt from the provisions of subparagraph B. Subsequently with the adoption of Ordinance 2459, the Sheriff's Office started receiving inquiries to register personal shooting ranges. This unintentionally created confusion on the permitting process for commercial shooting ranges, which is by default under the authority and justification of Nevada County Planning Department. Upon investigation, Staff believes that the intent of the initial language adopted by the Board via ordinance 1500 in 1988 was to provide a mechanism to exempt long pre-established commercial/private club shooting ranges from certain provisions of the Code meant for private property shooting. In consultation with the Sheriff's Office and Planning Department, it was recommended to amend the provision to better clarify the exemptions of subparagraph B apply to permitted and grandfathered commercial shooting ranges (shooting ranges that pre-date permitting requirements).

Therefore, the attached ordinance amends Section 1.27 of Article I Chapter VII of the General Code of the County of Nevada pertaining to Discharging a Firearm in three ways. First, the allowable time for shooting is amended from 9 a.m. to 5 pm to ½ hour before sunrise and ½ after sunset which is in alignment with State Code. This provides better consistency across jurisdictions and removes the unintended consequence of prohibiting shooting during specific hours (i.e. day light hours change throughout the year). Second, commercial shooting ranges that receive annual review and approval from an applicable fire agency can continue shooting on Red Flag Warning Days. In consultation with Nevada County Consolidated Fire District, it was recommended that any commercial shooting range that meets an annual inspection and receives approval from an applicable fire authority could be allowed to continue shooting on Red Flag Warnings as outlined in a letter from Nevada County Consolidated Fire District dated February 13, 2020 (attached hereto). Lastly, the provisions for shooting ranges to register with the Sheriff's Department has been removed and instead clarify that the exemptions of subparagraph B are only allotted to permitted and grandfathered commercial shooting ranges.

When the Board adopted Ordinance 2459, I do not believe that the intent was to negatively impact commercial shooting ranges in Nevada County, but rather to effectively address the nuisance caused and prevent public safety hazards from shooting on residential zoned parcels. As such, the attached Ordinance attempts to correct these unanticipated consequences while still preserving the provisions that protect Nevada County residents from unnecessary nuisance caused by shooting on residential properties. Therefore, I recommend that the Board adopt the attached Ordinance.

Sincerely,

Ed Scofield
District II Supervisor