

HOUSE FILE 2435

Natural Resources  
Gentleman, Chair  
Kudart  
Hutchins

3/22  
Amended per 5459  
to Do Pair  
4/2 (p 1021)

HOUSE FILE 2435

BY COMMITTEE ON JUDICIARY AND  
LAW ENFORCEMENT

MAR 11 1982

Place On Calendar

(Formerly House File 2)

Passed House, Date 3-17-1982 Passed Senate, Date 4-23-82 (p. 1309)

Vote: Ayes 44 Nays 4 Vote: Ayes 44 Nays 4

Approved May 17, 1982

Repassed House as amended by Senate  
4-22-82 (p. 1665)  
85-11

### A BILL FOR

- 1 An Act relating to shooting ranges.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE AMENDMENT TO HOUSE FILE 2435

H-5921

1 Amend House File 2435 as amended and passed by  
 2 the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. NEW SECTION. Before a person improves  
 6 property acquired to establish, use, and maintain  
 7 a shooting range by the erection of buildings,  
 8 breastworks, ramparts, or other works or before a  
 9 person substantially changes the existing use of a  
 10 shooting range, the person shall obtain approval of  
 11 the county zoning commission or the city zoning  
 12 commission, whichever is appropriate. The appropriate  
 13 commission shall comply with section 358A.8 or 414.6.  
 14 In the event a county or city does not have a zoning  
 15 commission, the county board of supervisors or the  
 16 city council shall comply with section 358A.6 or 414.5  
 17 before granting the approval.  
 18 A person who acquires title to or who owns real  
 19 property adversely affected by the use of property  
 20 with a permanently located and improved range shall  
 21 not maintain a nuisance action against the person  
 22 who owns the range to restrain, enjoin, or impede  
 23 the use of the range where there has not been any  
 24 substantial change in the nature of the use of the  
 25 range. This section shall not be in any way construed  
 26 to enjoin actions for negligence or recklessness in  
 27 the operation of the range or by any person using  
 28 the range."

H-5921 FILED APRIL 21, 1982

RECEIVED FROM THE SENATE

House concurred 4/22 (p 1665)

2007-07-20 11:11:00

1 Section 1. NEW SECTION. A domestic corporation formed  
2 for the purpose of sharpshooting or improving the use of  
3 firearms may acquire property to establish, use and maintain  
4 a shooting range. After the property and range are permanently  
5 located and improved by the erection of buildings, breastworks,  
6 ramparts or other works, a private person who acquires title  
7 to property adversely affected by the use of the range shall  
8 not maintain an action against that domestic corporation to  
9 restrain, enjoin, or impede its use of the range.

10 EXPLANATION

11 This bill provides that after a shooting range has been  
12 established by a domestic corporation a private person who  
13 acquires title to adversely affected property after the range  
14 is established cannot maintain an action to enjoin or impede  
15 the use of the range.

16 The bill takes effect July 1 following its enactment.

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HOUSE FILE 2435

H-5426

1 Amend amendment H-5415 to House File 2435, as  
2 follows:  
3 1. Page 1, by striking lines 4 through 7 and  
4 inserting in lieu thereof the following:  
5 "Section 1. NEW SECTION. After a private person  
6 acquires property to establish, use, and maintain  
7 a shooting range, and after the property and range  
8 are permanently located and improved by".

H-5426 FILED MARCH 15, 1982

BY SPEAR of Lee

HOUSE FILE 2435

H-5461

1 Amend amendment H-5425 to House File 2435 as follows:  
2 1. Page 1, by adding after line 10, the following:  
3 "Sec. \_\_\_\_ . NEW SECTION. The property which is owned by  
4 a domestic corporation for the purpose of sharpshooting  
5 shall not be located within the corporate limits of a  
6 city unless the city shall adopt by ordinance such  
7 enabling legislation."

H-5461 FILED MARCH 17, 1982  
ADOPTED

BY POFFENBERGER of Dallas

HOUSE FILE 2435

H-5406

1 Amend House File 2435 as follows:  
2 1. Page 1, by striking lines 1 through 4 and  
3 inserting in lieu thereof the following:  
4 "Section 1. NEW SECTION. After a domestic  
5 corporation acquires property to establish, use, and  
6 maintain a shooting range, and after the property  
7 and range are permanently".

H-5406 FILED MARCH 12, 1982

BY SPEAR of Lee

HOUSE FILE 2435

H-5415

1 Amend House File 2435, as follows:  
2 1. Page 1, by striking lines 1 through 9 and  
3 inserting in lieu thereof the following:  
4 "Section 1. NEW SECTION. A private person  
5 may acquire property to establish, use and  
6 maintain a shooting range. After the property  
7 and range are permanently located and improved by  
8 the erection of buildings, breastworks, ramparts  
9 or other works, a private person who acquires  
10 title to property adversely affected by the use  
11 of the range shall not maintain an action against  
12 that private person to restrain, enjoin, or impede  
13 that private person's use of the range."

H-5415 FILED MARCH 15, 1982

BY HUMMEL of Benton

HOUSE FILE 2435

H-5425

1 Amend House File 2435 as follows:  
2 1. Page 1, by inserting after line 9, the following:  
3 "Sec. \_\_\_\_ . NEW SECTION. The conservation commission  
4 shall promulgate rules which shall deal with the  
5 placement of buildings, breastworks, ramparts or other  
6 works in relationship to adjoining property. In addition,  
7 these rules shall state the height and width of  
8 breastworks, ramparts or other works. These rules  
9 shall have as their paramount consideration, the  
10 protection of the adjoining landowners."

H-5425 FILED MARCH 15, 1982

BY POFFENBERGER of Dallas

HOUSE FILE 2435

S-5619

1 Amend House File 2435 as amended and passed by  
2 the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 "Section 1. NEW SECTION. Before a person improves  
6 property acquired to establish, use, and maintain  
7 a shooting range by the erection of buildings,  
8 breastworks, ramparts, or other works or before a  
9 person substantially changes the existing use of a  
10 shooting range, the person shall seek approval of  
11 the county zoning commission or the city zoning  
12 commission, whichever is appropriate. The appropriate  
13 commission shall comply with section 358A.8 or 414.6.  
14 In the event a county or city does not have a zoning  
15 commission, the county board of supervisors or the  
16 city council shall comply with section 358A.6 or 414.5  
17 before granting the approval.

18 A person who acquires title to or who owns real  
19 property adversely affected by the use of property  
20 with a permanently located and improved range shall  
21 not maintain a nuisance action against the person  
22 who owns the range to restrain, enjoin, or impede  
23 the use of the range where there has not been any  
24 substantial change in the nature of the use of the  
25 range. This section shall not be in any way construed  
26 to enjoin actions for negligence or recklessness in  
27 the operation of the range or by any person using  
28 the range."

S-5619 FILED

APRIL 15, 1982

*Adopted as amended by  
5683 4/20 (p. 1309)*

BY JULIA GENTLEMAN

BOB CARR

HOUSE FILE 2435

S-5683

1 Amend the Amendment S-5619 to House File 2435

2 as amended and passed by the House as follows:

3 1. Page 1, line 10, by striking the word "seek"  
4 and inserting in lieu thereof the word "obtain".

S-5683 FILED & ADOPTED BY LUCAS J. DE KOSTER

APRIL 20, 1982 *(p. 1309)*

S-5459

1 Amend House File 2435, as amended and passed by  
 2 the House, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting in lieu thereof the following:  
 5 "Section 1. NEW SECTION. Before a person improves  
 6 property acquired to establish, use, and maintain  
 7 a shooting range by the erection of buildings,  
 8 breastworks, ramparts, or other works, the person  
 9 shall seek approval of the county zoning commission  
 10 or the city zoning commission, whichever is  
 11 appropriate. The appropriate commission shall comply  
 12 with section 358A.8 or 414.6. In the event a county  
 13 or city does not have a zoning commission, the county  
 14 board of supervisors or the city council shall comply  
 15 with section 358A.6 or 414.5 before granting the  
 16 approval.  
 17 After the property and range are permanently located  
 18 and improved, a person who acquires title to property  
 19 adversely affected by the use of the range shall not  
 20 maintain an action against the person who owns the  
 21 range to restrain, enjoin, or impede the use of the  
 22 range."

S-5459 FILED  
 APRIL 2, 1982

BY COMMITTEE ON NATURAL RESOURCES  
 FORREST V. SCHWENGELS, CHAIR

*C. Deptak 4/8 (p. 1116)*

*Resubmitted 4/20*

*Placed out of order (p. 1309)*

range. This section shall not be in any way construed to enjoin actions for negligence or recklessness in the operation of the range or by any person using the range.

HOUSE FILE 2435

AN ACT

RELATING TO SHOOTING RANGES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. Before a person improves property acquired to establish, use, and maintain a shooting range by the erection of buildings, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall obtain approval of the county zoning commission or the city zoning commission, whichever is appropriate. The appropriate commission shall comply with section 358A.8 or 414.6. In the event a county or city does not have a zoning commission, the county board of supervisors or the city council shall comply with section 358A.6 or 414.5 before granting the approval.

A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range where there has not been any substantial change in the nature of the use of the

\_\_\_\_\_  
DPLWYN STROMER  
Speaker of the House

\_\_\_\_\_  
TERRY E. BRANSTAD  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2435, Sixty-ninth General Assembly.

\_\_\_\_\_  
ELIZABETH A. ISAACSON  
Chief Clerk of the House

Approved 5/17, 1982

\_\_\_\_\_  
ROBERT D. RAY  
Governor

H.F. 2435