



Maricopa County

Planning & Development Department

Department Directive

Department Directive:
DD-2012-03
Supersedes:

Effective: Immediately

Initiator: Darren Gerard

Director: *Joy Rich*

PURPOSE: Interpretation of the Maricopa County Zoning Ordinance regarding the **Discharge of Firearms.**

REFERENCE:

Maricopa County Zoning Ordinance, Articles 501.2 (Rural Zoning District Use Regulations); 601.2 (Residential Zoning District Use Regulations) and 1301.1 (Special Uses); Maricopa County Noise Ordinance; and Arizona Revised Statutes 13-3108.

POLICY/PROCEDURE:

The Maricopa County Noise Ordinance in Section V.A states "It shall be unlawful... to allow to originate from the property, any noise which disturbs the peace or quiet of any neighborhood if such noise can be heard from within closed residential structures located within 500 feet of the boundary of the property from which such noise emanates. This subsection shall not apply to noise produced in the normal conduct of business... and the operation is legally conducted within the scope of all ordinances, laws, and statutes of Maricopa County and the State of Arizona." Violation of this ordinance section is a Public Disturbance.

Section VI.A.8 exempts "Noise emanating from the discharge of weapons for lawful purposes." Lawful purposes are self defense, law enforcement, hunting with a valid State issued license within the appropriate season, control of vermin on ranching and farming operations, and at an established Shooting Range, Target Practice Range, Mounted Cowboy Shooting, etc. with appropriate zoning entitlement.

ARS 13-3108 prohibits the County from adopting an ordinance relating to firearms inconsistent with or more restrictive than State law; except that ARS 13-3108.F.3 authorizes County "regulation of land and structures, including a business relating to firearms... or a shooting range in the same manner as other commercial business."

The Maricopa County Zoning Ordinance (MCZO) is a permissive document. Any use not specifically listed as a permitted principal use or accessory use or a Special Use (SUP) is not permitted in a zoning district.

The MCZO does permit accessory buildings and uses that are customarily incidental to the established principal use. This determination is made by the Zoning Administrator (Director of the Department) or her designee.

It has been determined that a Shooting Range, Target Practice Range, Mounted Cowboy Shooting, etc. is not an accessory use customarily incidental to any permitted principal use in any rural or residential zoning district.

The discharge of a firearm is not harmonious to a residential neighborhood environment. This determination includes any type of firearm – including black powder and blanks that emanate noise not harmonious to a residential neighborhood environment.

MCZO, Article 1301.1.19 states that "privately and commercially operated recreational open-air facilities" may be permitted as a Special Use (SUP) in any zoning district. This SUP category is considered to include a Shooting Range, Target Practice Range, Mounted Cowboy Shooting, etc. SUP approval by the Board of Supervisors is a legislative process with public input at a public hearing.