

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
***Kendall County Office Building***  
***Rooms 209 & 210***  
***111 W. Fox Street, Yorkville, Illinois***  
**6:00 p.m.**  
**Meeting Minutes of January 30, 2018**

**CALL TO ORDER**

The special meeting was called to order by Vice Chairman Matt Kellogg at 6:03 p.m.

**ROLL CALL**

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman) (arrived at 6:06 p.m.), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Jerry Lizalek, Brian Schillinger, Bill Ashton, Troy Feez, Bart Singletary, Tom McDonald, Zach Barnnell, Brian Barmer, Colin Peske, and Gary Delaney

**APPROVAL OF AGENDA**

Motion by Member Gilmour, seconded by Member Gryder, to approve the agenda as presented. With a voice vote of four ayes, the motion carried.

**PUBLIC COMMENT**

Jerry Lizalek asked the criteria for the proposal. Mr. Asselmeier responded the proposal is derived from the outdoor shooting range regulations of neighboring counties, particularly McHenry County. The National Rifle Association (NRA) guidelines were the basis of the existing regulation. The standards of the National Shooting Sports Foundation (NSSF) were not used as a basis for this proposal. The NSSF guidelines do not require the distances contained in the proposal. If adopted, the restrictions will make it very difficult for new outdoor ranges to open in Kendall County. The City of Chicago attempted to zone out shooting ranges by passing restrictive laws; the courts ruled that the Chicago law was unconstitutional.

Chairman Davidson arrived at this time (6:06 p.m.).

The baffle would be at the height to prevent projectiles from leaving the property.

Brian Schillinger, Yorkville, expressed opposition to the proposed hours and days of operation. His non-profit shooting range is open to the public on Sundays only from 10:00-3:00. Many gun club members, generally speaking, are only available to shoot on Sundays because of work schedules. The current ordinance sets the hours of operation in each special use permit and are determined by the County Board at the time of approval of the special use permit. The existing gun clubs would be exempt from this proposal.

Member Gryder asked if an existing club expanded, would they have to follow the language in this proposal. Mr. Asselmeier responded that, if the expansion necessitated an amendment to the special use permit, then the club would have to follow the proposal.

Bill Ashton, Chairman of the Kendall County Regional Planning Commission, provided a history of how the existing regulations were drafted. The existing ordinance was written using the NRA handbook. None of the existing gun ranges would meet the requirements of the proposal. The Kendall County Regional Planning Commission feels that nothing is wrong with the existing regulations.

Mr. Lizalek said that hours of operation are normally put in ordinance for safety purposes and not noise abatement. People can legally hunt at night. He teaches classes on the side and some of these classes are offered on Sundays (8 hours on Saturday and 8 hours on Sundays). The shooting portion of the class is usually held on Sundays. Discussion occurred regarding hours of operation versus hours of shooting. He also mentioned the requirements in State laws regarding liability issues.

Troy Feez, Grove Road, said that the proposal restricts people from building ranges in the County. He knows people that buy guns and never learn to shoot to them; he considers this a greater safety concern.

### **PETITION**

*Petition 17-28 Request by the Kendall County Planning, Building and Zoning Committee for Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)*

Discussion occurred regarding the proposal.

Bart Singletary, Shorewood, asked attendees to raise their hands if they supported the ordinance as-is. He felt the proposal was restrictive.

The consensus of the Committee was to keep the exemptions for the Kendall County Forest Preserve and lands owned by the State for State Parks because of State law on the matter.

The consensus of the Committee that a site plan should be submitted at 1"=100' scale and that site design documents be prepared by a licensed engineer or land surveyor.

The existing ordinance had language regarding "appropriate berming." With additional baffling, the berm could be lowered. Tom McDonald, Church Road, discussed industrial bullet traps that capture all bullets. The system prevents the owner from having to remove lead from the berm. The system could be substituted for berms with baffling on top of the bullet traps. Mr. Lizalek said that industrial bullet traps are a durable alternative. "They catch everything." They need "no blue sky" baffling. Berm height could be subject to the inclusion of baffling. A speaker suggested changing the regulation to read berm or bullet trap five foot (5') height minimum, site specific be approved.

The NRA recommends a safety plan, business plan, public relations plan, maintenance plan, noise plan, environmental stewardship plan, and a closure plan. The suggestion was offered

that these plans could be submitted at the time of application and the heights of berms and distances of backstops could be derived from those plans.

Zach Barnnell, Plano, said that most handguns are more powerful than a .22 and that the backstop distances seemed far. He would like the language to be site specific. The backstop could be thirty feet (30') from the firing line. The suggestion was made to check with the local gun ranges to see how far their backstops and laterals were from the firing line.

Mr. Singletary expressed his opposition to the proposed regulations related to downrange safety area. He suggested using the State law as a guide. Member Kellogg requested that downrange safety area needed to be clarified because of neighbors' noise concerns. Discussion occurred regarding using the noise regulations instead of setting specific distance. Mr. Lizalek suggested that noise be measured at the property line of the gun range and that the word "may" be replaced with "shall" in c.4; he likes "no blue sky baffling". The consensus of the Committee was that site plans needed either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.

The consensus of the Committee was to set the minimum parcel size at ten (10) acres, following the recommendation of the NRA. A small number of parcels would meet a forty (40) acre minimum.

The consensus of the Committee was to keep the requirement that the range, including the safety area, must be under the control of the operator of the range, by ownership or lease.

The consensus of the Committee was to incorporate the written narrative requirement into the documents required at application submittal. The Committee requested that the narrative requirement be placed at the beginning of the ordinance.

Discussion occurred regarding requiring a list of firearms allowed. Mr. Barnnell suggested that the list of banned firearms and bullets should be displayed and not the list of allowed firearms. The list should be by caliber. Mr. Lizalek said that some ranges restrict by velocity of the bullet instead of caliber.

Discussion occurred regarding the certified range supervisor be present at all times when firing is taking place. Mr. Barnnell noted that some clubs do not require supervisors to be present for members. The suggestion was made that a distinction be made between profit and non-profit (i.e. private club) ranges. Mr. Schillinger explained the procedures for removing people not acting safely in the gun club he represents. The consensus of the Committee was that at least one (1) certified supervisor must be present at all times when firing is taking place for for-profit outdoor gun ranges. The supervisor shall be certified for the type of shooting being supervised and shall know and enforce all range rules. The range supervisor's duties and responsibilities for all outdoor gun ranges shall be incorporated in the safety plan.

The consensus of the Committee was to keep the proposed language regarding range flags, signs, or red light.

Discussion occurred regarding hours of operation. Sundays were the only days some people can shoot because of work hours. Discussion also occurred regarding restricting shooting to between two (2) hours after sunrise and two (2) hours before sunset. Some places allow shooting at night. Brian Barmer, Yorkville, stated that trees with leaves block the noise in the summer. The noise regulations apply to gun ranges. The consensus of the Committee was to set the hours and days of operation in each special use permit.

The consensus of the Committee was to keep the proposed language regarding a lockable gate.

Mr. Lizalek asked which standard the County would use to evaluate a lead management plan. Three standards exist, the NRA standard, NSSF standard, and the Environmental Protection Agency's (EPA) best lead management practices. He suggested using one (1) of the previously listed standards. Mr. Asselmeier will check with the Health Department on this matter.

Mr. Asselmeier stated that the requirement regarding discharging lead shot into a wetland could be deleted because of the requirement that gun ranges have to follow all applicable Federal, State, and local laws.

Discussion occurred regarding the distance requirement from the firing line to the property lines of adjoining properties. Mr. Lizalek suggested using the noise ordinance to set the distance. Colin Peske discussed the size of property need to meet this requirement. Mr. McDonald noted that standard conversational tone is approximately sixty-five (65) dBA. The consensus of the Committee was to keep the one thousand five hundred foot (1,500') requirement.

Mr. Asselmeier noted that the requirements regarding no alcohol allowed and no projectiles were permitted to leave the site were in the existing ordinance.

Mr. Asselmeier noted that requirement for restroom facilities was redundant due to County health regulations.

The consensus of the Committee was to keep the requirements regarding hearing protection and safety glasses.

Discussion occurred regarding the insurance requirement and how to adjust the amount for inflation. Mr. Lizalek stated that the insurance is Three Million Dollars /One Million Dollars (\$3,000,000/\$1,000,000). The consensus of the Committee was that the insurance be set at a level standard and customary for an outdoor shooting range. The insurance policy must be purchased from an A+ rated insurance company.

The consensus of the Committee was to keep the requirement that gun ranges abide by all Federal, State and local rules. This requirement made the requirements regarding the Health Department regulations, signage requirements, and lighting requirements moot.

Discussion occurred regarding requiring gun ranges to have direct access to a public road; direct access did not mean access via an easement. Mr. Schillinger noted that several existing clubs currently have access via an easement. Gary Delaney said that this proposal was caused

because he and his brother's request to operate a gun range on Church Road and the neighbors' complaints regarding their proposed gun range. The consensus of the Committee was to leave the proposal as-is and if someone needs an easement to access their property, a variance will be required.

The consensus of the Committee for noise regulations was a maximum sixty-five (65) dBA day or night as measured from the residential property line of the complainant.

The consensus of the Committee was to specifically exempt existing ranges from the proposed regulations.

Mr. Lizalek asked about Sunday shooting. Chairman Davidson said that the hours of operation would be set by the special use permit. Mr. Schillinger expressed concerns about neighbors protesting noise and the potential that gun ranges could be closed on Sundays.

The consensus the Committee was for Mr. Asselmeier to prepare a revised amendment and present the revised proposal at the February 13, 2018, meeting.

Chairman Davidson thanked everyone for attending the meeting and their input.

#### **PUBLIC COMMENT**

Member Gryder announced that the Illinois Department of Transportation will hold a public meeting at the Joliet Junior College on January 31<sup>st</sup> from 4:00 -7:00 regarding the I-80 project from Ridge Road to Route 30.

The VAC will be having a party for Olivia Laschober on February 2<sup>nd</sup> from 1:00-4:00 in the WIC Room.

#### **COMMENTS FROM THE PRESS**

None

#### **ADJOURNMENT**

Member Gryder motioned to adjourn, seconded by Member Kellogg. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 8:15 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

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**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
JANUARY 30, 2018**

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|------------------|---------|---------------|
| Jerry Lintel     |         |               |
| Brian Schilling  |         |               |
| Bill Ashton      |         |               |
| Tony Ferr        |         |               |
| Bert Singletary  |         |               |
| ZACH<br>BARNWELL |         |               |
| Brida<br>BARNER  |         |               |
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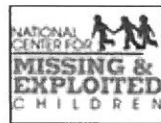
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(740 ILCS 130/5)

Sec. 5. Firearm ranges; liability.

(a) As used in this Section, "firearm range" means a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range in this State used for discharging firearms in a sporting event, for practice or instruction in the use of a firearm, or for the testing of a firearm. "Firearm range" also includes licensed shooting preserves and public hunting areas operated or licensed by the Department of Natural Resources.

(b) An owner or operator of a firearm range in existence on January 1, 1994, is immune from any criminal liability arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range. An owner or operator of a firearm range is not subject to any action for public or private nuisance or trespass and no court in this State shall enjoin the use or operation of a firearm range on the basis of noise or sound emissions resulting from the normal use of the firearm range.

(c) An owner or operator of a firearm range placed in operation after January 1, 1994, is immune from any criminal liability and is not subject to any action for public or private nuisance or trespass arising out of or as a consequence of noise or sound emissions resulting from the normal use of the firearm range, if the firearm range conforms to any one of the following requirements:

(1) All areas from which a firearm may be properly discharged are at least 1,000 yards from any occupied permanent dwelling on adjacent property.

(2) All areas from which a firearm may be properly discharged are enclosed by a permanent building or structure that absorbs or contains sound energy escaping from the muzzle of firearms in use.

(3) If the firearm range is situated on land otherwise subject to land use zoning, the firearm range is in compliance with the requirements of the zoning authority.

(4) The firearm range is operated by a governmental entity or is licensed by the Department of Natural Resources.

(5) The firearm range met the requirements of clause (1) of this subsection (c) at the time the range began its operation and subsequently an occupied permanent dwelling on adjacent property was built within 1,000 yards from an area of the range from which a firearm may be properly discharged.

(Source: P.A. 94-387, eff. 7-29-05.)

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