

STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE TOWNSHIP OF ADDISON,

Plaintiff/Appellee,

vs.

JERRY KLEIN BARNHART,

Defendant/Appellant.

Supreme Court # 145144
Court of Appeals # 301294
Oakland County Circuit Court
Case No. 09-DA8918-AV
Hon. Leo Bowman

52-3 District Court
Case No. 05-010900-OM
Hon. Julie A. Nicholson

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**PLAINTIFF/APPELLEE PEOPLE OF THE TOWNSHIP OF ADDISON'S
SUPPLEMENTAL BRIEF PURSUANT TO THIS MICHIGAN SUPREME COURT'S
ORDER DATED SEPTEMBER 26, 2012**

PROOF OF SERVICE

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STATEMENT OF THE QUESTION PRESENTED

- I. **DID THE MICHIGAN COURT OF APPEALS ERR WHEN IT HELD IN BARNHART I THAT, TO THE EXTENT THERE WAS TESTIMONY TO SUGGEST THAT DEFENDANT'S OPERATION OF A SHOOTING RANGE WAS FOR BUSINESS OR COMMERCIAL PURPOSES, MCL 691.1542a(2)(c) DOES NOT PROVIDE FREEDOM FROM COMPLIANCE WITH LOCAL ZONING CONTROLS?**

Plaintiff/Appellee says: "NO"
Defendant/Appellant says: "YES"
Michigan Court of Appeals says: "NO"

I. INTRODUCTION

The property at issue is zoned agricultural/residential and controlled by certain zoning ordinances. The Township said “yes” in 1993 when asked by the property owner if he and his wife could shoot their rifles on the property. Using the applicable statute as a defense, the property then expanded to a large shooting range with berms, parking and other related structures. Military training, weapons testing and the sound of semi automatic weapons all day on a Saturday was not the intent of the 1993 “yes” to a husband and wife using their private land to shoot their own rifles.

II. COUNTER-STATEMENT OF THE RELEVANT AND CONTROLLING FACTS

In 1993, the Defendant, Jerry Klein Barnhart (“Defendant”), approached Addison Township’s Board at a public meeting and asked if the Defendant and his wife could shoot their privately owned guns on their property (“Range”) in Addison Township. (**People v Barnhart**, Unpublished Opinion Per Curiam of the Court of Appeals, Decided [March 13, 2008] (Docket No. 272942).) (**Exhibit 1**) The Plaintiff/Appellee, People of Addison Township (“Plaintiff”), said “yes”.

In 2004, the Plaintiff received complaints that the Range was no longer being used by the Defendant for his private use, but had vastly expanded to combat arms instruction, weapons testing, and other instructional activities with automatic weapons. (**People v Barnhart**, Unpublished Opinion Per Curiam of the Court of Appeals, Decided [March 13, 2008] (Docket No. 272942) at p. 2) (**Exhibit 1**) In fact, the Oakland County Sheriff’s Department started using the Range for target practice and other drills. (**Exhibit 2** -- District Court Tr. Dated March 14, 2006 at pp. 17, 18)

The evidence later showed that the Defendant -- then and now -- used his property for non-recreational uses. The result evolved into a full blown commercial range in the middle of an agricultural/residential zoning area where other citizens were forced to endure the noise associated with military training, including long weekends of automatic weapons, and other police/military activities. This is not consistent with the law.

In March 2008, the Michigan Court of Appeals reviewed the underlying law and facts and issued a very specific and narrowly tailored remand ("Remand") in Barnhart I. (**Exhibit 1 -- People v Barnhart**, Unpublished Opinion Per Curiam of the Court of Appeals, Decided [March 13, 2008] (Docket No. 272942).) According to the Michigan Court of Appeals in Barnhart I, the sole issue on the Remand was the application of the Sport Shooting Ranges Act, MCL 691.1541 et seq. ("SSRA"), to the Defendant's Range and, more specifically, the application of the 1994 amendment to the SSRA which added MCL 691.1542a.

The Remand states that, in order for the Defendant to be able to invoke the protection of MCL 691.1452a(2)(c), two (2) requirements must be satisfied. First, the Defendant must show that the Range was a "sport shooting range" at the relevant time. Second, the Defendant must show that he was operating the sport shooting range in compliance with "generally accepted operation practices". If either Remand test fails, MCL 691.1542a did not protect the Defendant's Range against local zoning. This was the foundation of the Remand. The Plaintiff carefully followed the Remand.

Applying MCL 691.1542a, the District Court acted on the Remand and found that the Range was a sport shooting range which was entitled to invoke the protection of MCL 691.1452a. (**Exhibit 3 -- District Court Opinion Dated April 14, 2010**) On appeal to the

Circuit Court, Judge Bowman reviewed and acted on the scope of the Remand and, applying the uncontroverted facts by way of briefs and oral arguments on the record, ultimately reversed the District Court and ruled that the Defendant was not entitled to the protection provided by the SSRA. (**Exhibit 4** -- Circuit Court Opinion and Order Dated September 13, 2010 at p. 9) The Michigan Court of Appeals affirmed the Circuit Court and issued an opinion on April 10, 2012 in Barnhart II. (**Exhibit 5**)

On September 26, 2012, this Michigan Supreme Court issued its Order requesting supplemental briefs on whether the Michigan Court of Appeals erred in Barnhart I when it held that, to the extent that there was testimony to suggest that defendant's operation of a shooting range was for business or commercial purposes, MCL 691.1542a(2)(c) does not provide freedom from compliance with local zoning controls. (**People v. Barnhart**, __ Mich. __; __ NW2d __ (2012).) (**Exhibit 6**)

III. LEGAL ARGUMENTS

A. The Michigan Court Of Appeals Did Not Err When It Held That, To The Extent That There Was Testimony To Suggest That Defendant's Operation Of A Shooting Range Was For Business Or Commercial Purposes, MCL 691.1542a(2)(c) Does Not Provide Freedom From Compliance With Local Zoning Controls.

The Michigan Court of Appeals' ruling in Barnhart I is consistent with the rules of statutory construction and the plain meaning of the SSRA.

1. The Michigan Court of Appeals' Ruling Is Consistent With the Rules Of Statutory Construction.

This Michigan Supreme Court has ruled that the goal of statutory construction is to discern and give effect to the intent of the Legislature by examining the most reliable evidence of its intent -- the words of the statute at issue.

“[O]ur primary task in construing a statute, is to discern and give effect to the intent of the Legislature.” *Sun Valley Foods Co. v. Ward*, 460 Mich. 230, 236, 596 N.W.2d 119 (1999). **“The words of a statute provide ‘the most reliable evidence of its intent ...’ ”** *Id.*, quoting *United States v. Turkette*, 452 U.S. 576, 593, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981).” (**Neal v. Wilkes**, 470 Mich. 661, 665; 685 N.W.2d 648, 650 (2004).) (Emphasis Added)

According to this Michigan Supreme Court, if the language in a statute is unambiguous, appellate courts presume that the Legislature intended the plainly expressed meaning, and, further, judicial construction is neither permitted nor required.

“We begin by examining the plain language of the statute. Where that language is unambiguous, we presume that the Legislature intended the meaning clearly expressed-no further judicial construction is required or permitted, and the statute must be enforced as written.” (**DiBenedetto v. West Shore Hosp.**, 461 Mich. 394, 402; 605 N.W.2d 300, 304 (2000).) (Emphasis Added)

This Michigan Supreme Court has further ruled that the terms used in a statute must be given their plain and ordinary meaning which can be found by consulting a dictionary for the definitions of undefined terms.

“Undefined statutory terms must be given their plain and ordinary meanings, and it is proper to consult a dictionary for definitions.” (**Halloran v. Bhan**, 470 Mich. 572, 578, 683 N.W.2d 129, 132 (2004).) (Emphasis Added)

Here, the SSRA definition of a sport shooting range focuses on the requirement that the area be “operated” for the “use” of sport shooting. Thus, the “use” at issue is critical.

“(d) “Sport shooting range” or “range” means an area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.” (MCL 691.1541) (Emphasis Added)

The SSRA does not define the term “Sport”. As an undefined term, the Michigan Court of Appeals, in *Barnhart I*, relied on the dictionary for a definition. (See: Halloran v Bhan, 470 Mich. at p. 578.) The Michigan Court of Appeals, in *Barnhart I*, recognized that the Random House dictionary defines the term “Sport” as a recreation or diversion.

“However, the term “sport” has been defined as an “athletic activity” or a “diversion [or] recreation.” Random House Webster's College Dictionary (1997).” (People of the Township of Addison v. Barnhart, Unpublished Opinion Per Curiam of the Court of Appeals, decided [March 13, 2008] (Docket No. 272942).) (Emphasis Added) (Exhibit 1**)**

This Michigan Supreme Court has ruled that, under the doctrine of *expressio unius est exclusio alterius*, the expression of one thing suggests the exclusion of all others. (See: Pittsfield Charter Tp. v. Washtenaw County, 468 Mich. 702, 712, 664 N.W.2d 193, 198 (2003).) As a result, the expression of the term “Sport” in the SSRA is to the exclusion of all other uses. The Michigan Court of Appeals, in *Barnhart I*, understood this doctrine when it cited to this Michigan Supreme Court’s Opinion in Pittsfield and stated that the SSRA applies to a recreational shooting range to the exclusion of all other types of shooting ranges.

“Thus, the statute appears to apply to a recreational shooting range, to the exclusion of all other types of shooting ranges. See Pittsfield Charter Twp. v. Washtenaw Co., 468 Mich. 702, 712, 664 N.W.2d 193 (2003) (“the expression of one thing suggests the exclusion of all others”).” (People of the Township of Addison v. Barnhart, Unpublished Opinion Per Curiam of the Court of Appeals, decided [March 13, 2008] (Docket No. 272942).) (Emphasis Added) (Exhibit 1**) (Emphasis Added)**

As a result, the expression of the term “Sport” within the SSRA is to the exclusion of all other uses which are not recreational in nature. Again, it is clear that the “use” at

issue is critical to this dispute.¹ The excluded other uses include those uses which are the opposite of recreational such as a commercial or a business use.

The SSRA definition of a sport shooting range focuses on the fact that an area has to be “operated” for the use of sport shooting at the relevant time. If a range is not operated for a sport shooting use, it is not a sport shooting range. This syllogism is key because MCL 691.1542a(2)(c) only provides immunity from local zoning for the expansion of membership and events where a sport shooting range by definition “is in existence” as of the effective date of MCL 691.1542a.

“(2) A sport shooting range that is in existence as of the effective date of this section and operates in compliance with generally accepted operation practices, even if not in compliance with an ordinance of a local unit of government, shall be permitted to do all of the following within its preexisting geographic boundaries if in compliance with generally accepted operation practices: . . .

“(c) Do anything authorized under generally accepted operation practices, including, but not limited to:

(i) Expand or increase its membership or opportunities for public participation.

(ii) Expand or increase events and activities.” MCL 691.1542a(2)(c)

Here, the Michigan Court of Appeals recognized that any immunity from local zoning provided for by MCL 691.1542a(2)(c) hinged on the existence of a sport shooting range as provided for at MCL 691.1541(d). As stated above, MCL 691.1541(d) defines a sport shooting range as an area designed and operated for the “use” of sport shooting. In the Remand, the Michigan Court of Appeals, in Barnhart I, focused on the term

¹ If the property continued its use of allowing the Defendant and his wife to recreationally shoot their own rifles, there would not be an issue.

“operated” and ruled that, to the extent that there is testimony to suggest that the Defendant’s “operation” of the Range was for a business or commercial purpose, MCL 691.1542a(2)(c) does not provide freedom from compliance with local zoning controls. The Michigan Court of Appeals’ ruling is correct because if the Range was operated for a commercial use instead of a sport shooting use, it does not qualify as a sport shooting range and thereby not receive the immunities provided for at MCL 691.1542a(2)(c).

2. **Any Interpretation of The SSRA to Define a Sport Shooting Range As Including A Range Operated For a Business or Commercial Use Would Violate The Rules of Statutory Construction By Expanding the Definition of A Sport Shooting Range to Include Uses Not Contemplated.**

This Michigan Supreme Court has ruled that the goal of judicial interpretation of a statute is to ascertain and give effect to the intent of the Legislature which is accomplished by examining the language of the statute. If the language is clear and unambiguous, no further construction is allowed to expand what the Legislature intended to cover. (**People v. Davis**, 468 Mich. 77, 79; 658 N.W.2d 800, 802 (2003).) (Emphasis Added) Here, the Legislature clearly defined a sport shooting range as an area operated for the “use” of sport shooting.

“(d) “Sport shooting range” or “range” means an area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.” (MCL 691.1541) (Emphasis Added)

Any interpretation of MCL 691.1541(d) to provide that a sport shooting range includes something other than an area operated for sport shooting uses is an improper expansion of what the Legislature intended to cover. The Michigan Court of Appeals recognized and applied these rules of statutory construction when it ruled that, to the extent that there is testimony to suggest that the Defendant’s “operation” of the Range

was for a business or commercial purpose, MCL 691.1542a(2)(c) does not provide freedom from compliance with local zoning controls. To rule otherwise requires a court to rewrite MCL 691.1541(d) by adding additional language to the definition of a sport shooting range. Specifically, a court would have to insert additional language into MCL 691.1641(d) stating that a range includes: “ANY OTHER BUSINESS OR COMMERCIAL USE SUCH AS FIREARMS TESTING FOR WEAPONS MANUFACTURERS, TACTICAL TRAINING AND LAW ENFORCEMENT TRAINING”. This type of judicial expansion is strictly prohibited by the rules of statutory construction and should be carefully avoided.

3. **The Michigan Court of Appeals’ Ruling in Smolarz v. Colon Township, Unpublished Opinion Per Curiam of the Court of Appeals decided [April 21, 2005] (Docket No. 251155) Supports the Michigan Court of Appeals’ Ruling in Barnhart I.**

In Smolarz v. Colon Township, Unpublished Opinion Per Curiam of the Court of Appeals decided [April 21, 2005] (Docket No. 251155), the Michigan Court of Appeals was presented with a challenge to the operation of a range in Colon Township Michigan.² The Michigan Court of Appeals first noted that the Smolarz defendant never challenged the plaintiff’s affidavit that he operated a sport shooting range as defined in MCL 691.1541 as of July 6, 1994.

“Thus, defendant never challenged plaintiff’s affidavit that he operated a sport shooting range as defined in MCL 691.1541 in compliance with generally accepted operation practices as of July 5, 1994. Furthermore, the trial court’s order granting defendant’s motion for summary disposition stated that plaintiff

²While the Michigan Court of Appeals’ ruling in Smolarz is not binding on this Michigan Supreme Court, the Smolarz opinion offers further support for the proposition that, under MCL 691.1541(d), a sport shooting range is an area operated for sport shooting and not law enforcement firearms training. Thus, the ruling is directly on point with the question now presented by this Michigan Supreme Court.

had used his property as a firing range since prior to July 5, 1994, and defendant has not challenged this finding on appeal. Viewing the entire record in a light most favorable to plaintiff, defendant has not created a genuine issue of material fact regarding whether plaintiff operated a sport shooting range in compliance with generally accepted operation practices as of July 5, 1994.” (**Smolarz v. Colon Township**, Unpublished Opinion Per Curiam of the Court of Appeals decided [April 21, 2005] (Docket No. 251155).) (Emphasis Added) (**Exhibit 7**)

The Michigan Court of Appeals then ruled that the SSRA, at MCL 691.1542a(2), “contains no language” that would permit the **Smolarz** plaintiff to use the range for the firearms training of law enforcement. Again, the focus is on “use”.

“MCL 691.1542a(2), however, contains no language that would permit plaintiff to continue to use his property for the firearms training activities of law enforcement personnel in the face of local zoning ordinances to the contrary.” (**Smolarz v. Colon Township**, Unpublished Opinion Per Curiam of the Court of Appeals decided [April 21, 2005] (Docket No. 251155).) (Emphasis Added) (**Exhibit 7**)

In support of this conclusion, the Michigan Court of Appeals ruled that a sport shooting range is defined by statute as an area operated for sport shooting.

“A sport shooting range is defined by statute as an area designed or operated for *sport shooting*, MCL 691.1541(d), not law enforcement firearms training.” (**Smolarz v. Colon Township**, Unpublished Opinion Per Curiam of the Court of Appeals decided [April 21, 2005] (Docket No. 251155).) (Emphasis Added) (**Exhibit 7**)

The Michigan Court of Appeals then ruled that MCL 691.1542a(2) permits a sport shooting range in existence as of July 5, 1994, to continue to operate as a sport shooting range and to maintain its facilities and activities consistent with its use as a sport shooting range, but it does not permit such a sport shooting range to be used for law enforcement training purposes because those uses are not “protected uses”.

“MCL 691.1542a(2) permits a sport shooting range in existence as of July 5, 1994, to continue to operate as a sport shooting range

and to maintain its facilities and activities consistent with its use as a sport shooting range, but it does not permit such a sport shooting range to **be used for law enforcement training purposes. Law enforcement firearms training is not a protected use under the SSRA** and, therefore, may be regulated through local zoning ordinances without affecting the property's use as a sport shooting range.” (**Smolarz v. Colon Township**, Unpublished Opinion Per Curiam of the Court of Appeals decided [April 21, 2005] (Docket No. 251155).) (Emphasis Added) (**Exhibit 7**)

Smolarz stands for the proposition that a sport shooting range does not include law enforcement training as a protected “use”. This is consistent with the SSRA definition of a sport shooting range as an area operated for sport shooting only. Law enforcement training is not sport shooting. Here, as in **Smolarz**, the Defendant was also operating the Range for law enforcement training. For example, the Record is clear that the Oakland County Sheriff’s Department started using the Range for target practice and other drills.

“Q Please state your name and occupation for the record.

A Sergeant Peter Burkett. . . I’m a detective sergeant with the Oakland County Sheriff’s Department. . .

Q you are familiar with the Barnhart property, correct?

A Yes sir.

Q In fact, have you been on that property before?

A Several times.

Q Could you estimate for me roughly how many times?

A Fourteen.

Q and what was your purpose in visiting that Barnhart property?

A Probably 12 of the 14 were to shoot at the range. . .

A Between the dates of – year of 1999 and 2002” (**Exhibit 2** -
- Trial Court Tr. Dated March 14, 2006 at p. 18)

Moreover, the Record shows that the Defendant advertised and offered shooting and tactical training courses to law enforcement, the military, and the public at the shooting Range (“Documentary Evidence”). The Documentary Evidence was obtained from the Defendant’s own internet web site and from correspondence sent by his attorney to the District Court. (**Exhibit 8**)

As the Michigan Court of Appeals ruled in Smolarz, a sport shooting range does not include law enforcement training. MCL 691.1542a(2) has no language that permits the Defendant to “use” the Range for law enforcement training, commercial testing of firearms for firearms manufactures, or any other commercial purposes such as running firearms training for pay. The Michigan Court of Appeals understood this fact when it properly ruled that, to the extent that there is testimony to suggest that the Defendant’s operation was for a business or commercial purpose, there is no freedom from compliance with local zoning controls. Barnhart I focused on uses.

In 1993, the Defendant approached Addison Township’s Board at a public meeting and asked if the Defendant and only his wife could shoot their privately owned guns at the Range. This “use” was approved. The Defendant’s use of the Range exploded into a full blown commercial use including law enforcement training, tactical training and the testing of firearms -- including automatic weapons. This type of expansion is not allowed under the SSRA.

4. **The SSRA Does Not Provide Immunity to the Defendant From All Local Zoning.**

The SSRA states that a sport shooting range that is in existence as of the effective date of this section and operates in compliance with generally accepted operation practices shall be permitted to repair, remodel, or reinforce any building or structure in the interest of public safety and reconstruct any building damaged by fire, explosion or act of god.³

“(2) A sport shooting range that is in existence as of the effective date of this section and operates in compliance with generally accepted operation practices, even if not in compliance with an ordinance of a local unit of government, shall be permitted to do all of the following within its preexisting geographic boundaries if in compliance with generally accepted operation practices:

(a) Repair, remodel, or reinforce any conforming or nonconforming building or structure as may be necessary in the interest of public safety or to secure the continued use of the building or structure.

(b) Reconstruct, repair, restore, or resume the use of a nonconforming building damaged by fire, collapse, explosion, act of god, or act of war occurring after the effective date of this section. The reconstruction, repair, or restoration shall be completed within 1 year following the date of the damage or settlement of any property damage claim. If reconstruction, repair, or restoration is not completed within 1 year, continuation of the nonconforming use may be terminated in the discretion of the local unit of government.” (MCL 691.1542a(2).)

The SSRA also states that a sport shooting range that is in existence as of the effective date of this section and operates in compliance with generally accepted

³ As properly noted by the Michigan Court of Appeals in Barnhart I, the SSRA does not free sport shooting range operators from local zoning controls regarding the construction of new facilities. (**Exhibit 1 -- People v Barnhart**, Unpublished Opinion Per Curiam of the Court of Appeals, Decided [March 13, 2008] (Docket No. 272942).)

operation practices may expand or increase membership and opportunities for public participation as well as expand or increase events and activities.

“(c) Do anything authorized under generally accepted operation practices, including, but not limited to:

(i) **Expand or increase its membership** or opportunities for public participation.

(ii) **Expand or increase events and activities.**” (MCL 691.1542a(2).)

The SSRA at MCL 691.1542a(2)(c) does not state that an area that is operated for a commercial use can expand, without compliance with local zoning controls, by building new structures and offering law enforcement training, tactical training and firearms testing. MCL 691.1542a(2)(c) effectively speaks to increasing “membership” activities. Expanding the structures and uses at the Defendant’s Range to include law enforcement training, tactical training and the testing of firearms for firearms manufacturers does not equate with increasing “membership activities”. MCL 691.1542a(2) contains no language that would permit the Defendant to use the Range for law enforcement training, commercial testing of firearms for a firearms manufacture, or any other commercial purposes such as running firearms training for pay. These “uses” are not covered.

The Remand in Barnhart I correctly states that, in order for the Defendant to invoke the protection of MCL 691.1452a(2)(c), **two (2)** requirements **must** be satisfied. **First**, the Defendant must show that he was operating a “**sport shooting range**”. **Second**, the Defendant **must** show that he was operating the sport shooting range in compliance with “generally accepted operation practices”. If either Remand test fails, the statue does not protect against local zoning. There is no dispute the parties stipulated to this business purpose and the stipulation is definitive. In fact, the Defendant’s attorney --

on the record -- acknowledged the stipulation that the Defendant's property was "used" for both recreation and business shooting range purposes and that both uses occurred before and after the SSRA was in effect. The Defendant's attorney said the following:

"We stipulated to an order putting an end to that issue. We agreed that there was both use prior and after the statute that we're all arguing over here today in the range protection act. . . . We stipulated there was both recreational and commercial shooting." (Exhibit 9 -- District Court Transcript Dated October 9, 2008 at p. 4 – 6.) (Emphasis Added)

Thus, the Record is clear that there are current uses that are not protected by the SSRA.

Barnhart II also noted that, even before the Defendant constructed the expanded Range, he indicated his intent to "use" it to test firearms for various companies. (**People of Tp. of Addison v. Barnhart**, Unpublished Opinion Per Curiam of the Court of Appeals, decided [April 10, 2012] (Docket No. 301294) at p. 2.) (**Exhibit 5**) The Remand in Barnhart I was unequivocal that, to the extent there is testimony suggesting that the Defendant's **operation was for a business purpose**, MCL 691.1542a(2)(c) does not provide protection from local zoning ordinances. The Michigan Court of Appeals, in Barnhart II, came to the right conclusion.

III. CONCLUSIONS AND RELIEF REQUESTED

The Michigan Court of Appeals did not err in Barnhart I. The ruling is consistent with the rules of statutory construction and the plain language contained in the SSRA. Even if the Michigan Court of Appeals' Remand was changed to provide an inquiry into whether the Defendant's operation included "non-sport shooting" uses, the analysis does not change. Law enforcement training, tactical training, weapons testing, military training and other training exercises do not constitute sport shooting "uses". MCL

691.1542a(2) does not permit a sport shooting range to be used for such purposes while ignoring local zoning requirements.

The Plaintiff respectfully requests that this Honorable Michigan Supreme Court:

- (I) Enter an Order denying the Defendant's Application for Leave to Appeal to this Michigan Supreme Court; and
- (II) Enter an Order granting such other relief in favor of the Plaintiff as this Michigan Supreme Court deems just, equitable and appropriate under the circumstances presented.

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Dated: October 23, 2012

PROOF OF SERVICE

I served the **Plaintiff/Appellee People of the Township of Addison's Supplemental Brief Pursuant to this Michigan Supreme Court's Order Dated September 26, 2012** upon:

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on **October 23, 2012**. I declare the foregoing statement to be true to the best of my information, knowledge and belief.

- | | |
|---|------------------------------------|
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Robert Charles Davis