

**IN THE CIRCUIT COURT FOR HAMILTON COUNTY, TENNESSEE**

**HOWARD REYKDAL &  
NANCY REYKDAL**

v.

**THE CITY OF COLLEGEDALE**

---

Case No. 12c  
Div.: \_\_\_\_\_

FILED IN OFFICE  
2012 OCT -5 PM 2:42  
PAULA T. THOMPSON, CLERK  
JW  
DC

**COMPLAINT**

Come the Plaintiffs, Howard and Nancy Reykdal, and for their Complaint seeking Declaratory and Injunctive relief and state as follows:

I.

Plaintiffs property and home is located at 6004 Tallant Road, (within the City Limits of Collegedale, TN.) mailing address 6008 Tallent Road, McDonald, TN 37353). Plaintiffs have resided at their present address since November, 1988.

II.

Plaintiffs property is within the corporate limits of the City of Collegedale, Tennessee.

III.

The City of Collegedale is an incorporated municipality organized pursuant to the laws of the State of Tennessee located in Hamilton County, Tennessee.

IV.

Plaintiffs aver that jurisdiction and venue are proper in this Court.

V.

The City of Collegedale constructed a shooting/firearms range adjoining Plaintiff's property. This Shooting Range was evidently constructed for the use and training of the Collegedale Police Department. Upon information and belief, Plaintiffs aver that the City of Collegedale may allow other law enforcement agencies to use the shooting range and these other agencies discharge firearms at the shooting range.

VI.

Plaintiffs aver that the closest portion of the shooting range is located approximately three hundred feet (300) from their property boundary. Plaintiffs further aver that their residence is located approximately seven hundred (700) feet from the closest point of the shooting range.

VII.

Plaintiffs aver that the shooting range is configured in such a manner that the direction of fire for the firearms discharged from the shooting range is directly at their property and specifically their residence. Plaintiffs aver that pistols, rifles, shotguns and fully automatic weapons are discharged on the shooting range. And, explosives are detonated on the range. Plaintiffs aver that the shooting range is configured in such a manner that projectiles cross and fall onto their property.

VIII.

Plaintiffs aver that for the first many months after its construction, the use of the shooting range was sporadic. However, within calendar year 2012, the shooting activity has increased dramatically and will continue for hours during a single day. Plaintiffs aver that the discharge of the firearms results in loud, obnoxious, vexatious, noise that interferes with the peaceful enjoyment of their property.

IX.

Plaintiffs aver that the shooting range as constructed is an unreasonably dangerous hazard to their property and to themselves and constitutes a nuisance. There is an unreasonable danger of projectiles escaping from the shooting range and striking their property or themselves while on their own property. Accordingly, Plaintiffs fear for their safety on their own property. Plaintiffs aver that the shooting range as constructed does not meet generally accepted safety design and construction standards for a shooting range of this sort. Plaintiffs aver that the noise levels are loud, obnoxious and in excess of accepted norms for noise levels escaping from the range.

X.

Plaintiffs specifically aver that the use of the shooting range produces unreasonably loud noise and endangers their safety and constitutes a dangerous hazard to themselves or others lawfully upon their property and constitutes a nuisance that should be abated. Plaintiffs further aver that the discharge of firearms constitutes a dangerous instrumentality and imposes the highest duty of care upon the City in their discharge.

XI.

Plaintiffs aver that at the time of the construction of the Shooting Range **Section 11-703 of the City Code of the City of Collegedale** was in full force and effect and continues in full force and effect, to wit:

11-703. Target practice and the discharge of firearms. It shall be unlawful to target practice with a firearm without the express written consent of the owner of the property, either public or private, where such target practice occurs. Such written consent shall be on the person of the shooter while shooting. It shall further be unlawful to discharge a firearm on any property, public or private, with or without consent, wherein **such discharge endangers adjacent or neighboring property**, either public or private, or the owners or tenants thereof. It shall further be unlawful to discharge a firearm on any property, public or private, with or without such written consent, **wherein such discharge disturbs or endangers nearby residents or businesses.** (emphasis added).



For the purposes of this section the term "firearms" shall mean any weapon from which a shot is discharged by force of an explosive or a weapon which acts by force of gunpowder, and shall also include all weapons which expel a projectile by means of the expansion of compressed air and/or carbon dioxide; the term "disturbs" shall mean to create a loud or obnoxious noise; the term "endangers" shall mean to discharge a firearm in a manner that shot or projectiles cross or fall on other properties; and the term "nearby" shall mean any property within six hundred (600) feet of the point of firearm discharge. (1977 Code, §10-213).

Plaintiffs aver that the operation of the shooting range violates said Ordinance as set forth herein.

XII.

Plaintiffs aver that their property located at 6004 Tallant Road was annexed by the City of Collegedale in May 2012 and their property is now within the Corporate Limits of the City of Collegedale. Thus, Plaintiffs are presently citizens and residents of the City of Collegedale.

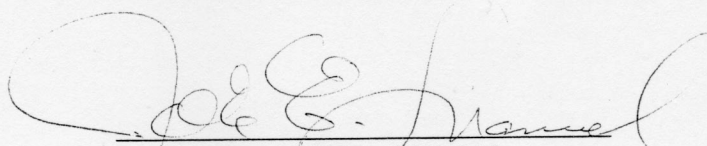
XIII.

Plaintiffs aver that the City of Collegedale has refused to cease and desist from using the Shooting Range despite Plaintiffs complaint to the City.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFFS PRAY:

1. That proper process issue and be served upon the City of Collegedale and that the City be required to answer within the time required by law;
2. That this cause come on for hearing at the earliest possible time before the Court;
3. That the Court empanel a Jury of twelve (12) persons to try this cause;
4. That the Court (through the Jury) find that the discharge of firearms and noise associated with such discharge constitutes a hazard and nuisance to Plaintiffs and their property;
5. That the Court (through the Jury) declare that the City of Collegedale has violated its own ordinance, **Section 11-703** of the City Code of Collegedale by discharging firearms at the shooting range;
6. That the Court enter a Permanent Injunction against the City of Collegedale or anyone upon this range from discharging a firearm from this shooting range.
7. That the Court award the Plaintiff's their reasonable attorney's fees upon established grounds of equity;
8. That the Court tax all the court costs against the Defendant;
9. That the Court award Plaintiff's their discretionary costs including the retention of expert witnesses; and
10. That the Court award to Plaintiffs such other and further relief as the Court may deem Plaintiffs justly entitled at law or Equity.

Respectfully submitted,

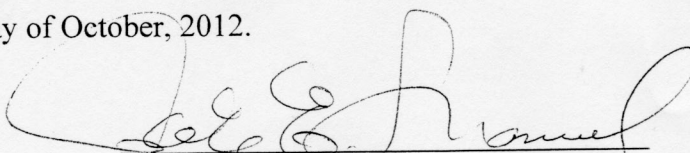


Joe E. Manuel, BPR # 006119  
Counsel for Plaintiffs  
240 Forest Avenue, Suite 301  
Chattanooga, Tennessee 37405  
423-266-3535  
Facsimile: 423-266-3136

#### COST BOND

I hereby acknowledge and bind myself for the payment of all non-discretionary costs that may be adjudged herein against Howard and Nancy Reykdal, the principals, in the event that the principals do not pay them.

Witness my hand this 5<sup>th</sup> Day of October, 2012.



Joe E. Manuel, BPR # 006119  
Counsel for Plaintiffs  
240 Forest Avenue, Suite 301  
Chattanooga, Tennessee 37405  
423-266-3535  
Facsimile: 423-266-3136