

**Jackson County Planning Board Minutes**  
**Special Session**  
**May 5, 2005**  
**6:00 p.m.**  
**Commissioners' Board Room, Justice Center**

**Board Members Present:** Ira Jones, Mike Moore, Bob Ginn, Richard Frady, and Richard Wilson

**Others Present:** Linda Cable, Planning Coordinator, Brenda Crawford, Admin. Secretary  
Chairman Brian McMahan, Board of Commissioners  
Raymond Bunn, Perry Eurey, Mark Jamison, David Fox

**Call to Order**

Bob Ginn, Chairman, called the meeting to order. A quorum was present.

**Shooting Range Ordinance**

Chairman Bob Ginn opened the meeting starting with an overview of miscellaneous information handouts and a draft of the Shooting Range Ordinance. The materials included the following: Motion from the Commissioners' April 18<sup>th</sup> meeting directing the Planning Board to proceed in drafting a Shooting Range Ordinance; Essential safety and environmental issues regarding acceptable noise levels from Commissioner Joe Cowan; US Geological Survey map showing Tilley Creek; A Review of Lead as an Environmental Hazard from Outdoor Shooting Ranges – Jackson County, NC from Homer Royals; EPA- TRW Recommendations for Performing Human Health Risk Analysis on Small Arms Shooting Ranges; Letter regarding Tilley Creek from Kevin Barnett, Environmental Chemist, NC Department of Environmental & Natural Resources, Division of Water Quality and Surface Water Protection; E-mail to Linda Cable from William Bullis stating concerns regarding shooting ranges; Graphs displaying Field-Shotfall Zone & Target Angle Limits for all International and Domestic Shotgun and Combination Skeet & Trap Field Layout; NASR- Shooting Range information; EPA – Best Management Practices for Lead at Outdoor Shooting Ranges: Tilley Creek Shooting Range Site Assessment, May 2005, prepared by the citizens of Tilley Creek and Jackson County, Letter from William H. Coward to Mark Melrose and a response email from Mark Jamison to William Coward regarding his letter to Mark Melrose.

**Change was made to ARTICLE I : PURPOSE AND STATUTORY AUTHORITY, Section 101. Purpose, d. Noise and now reads:**

d. Noise. Each shooting range facility shall be designed to conform with the conditions of the Jackson County Noise Ordinance adopted 12/02/91 and amended 05/20/03.

**Change was made to ARTICLE II: DEFINITIONS, Section 201. Defined Words and Terms, FIREARM and now reads:**

**FIREARM** means any gun, including **shotgun** form which a bullet or shot is propelled by means of hot gases generated by burning powder (smokeless or black powder), and **Pyrodex**.

**SHOOTING RANGE**      *Need adequate definition*

**SHOOTING STATIONS**      *Need to locate adequate definition*

**SHOTFALL ZONE**      *Need to locate adequate definition*

**Change was made to ARTICLE III: DEVELOPMENT REQUIREMENTS, Section 300. Compliance and now reads:**

All new shooting range facilities shall be designed, constructed and operated in strict compliance with National Rifle Association (herein referred to as the N.R.A.) standards, specifically “*The Range Manual , A Guide to Planning and Construction,*” (issue date 11/99), Section 1: Chapters 1 through 7, Section 2: Chapter 1 through 18, Section 3: Chapters 1 through 12; and Section 4. In addition, construction standards shall comply with all current appurtenant North Carolina Building and Fire Codes **and**;

**Change was made to ARTICLE III: DEVELOPMENT REQUIREMENTS, Section 302. Warning Signs and now reads:**

Warning/safety signs shall be posted at no more than **30** foot intervals **along the entire perimeter of the shooting range facility**. The shooting range warning/safety signs shall be **no smaller than 2’ x 2’ designed to contrast with the surrounding environment** to be easily seen by hunters or other citizens who may accidentally stray onto the shooting range area.

**Change was made to ARTICLE IV: OPERATIONAL REQUIREMENTS, Section 400. Hours of Operation and now reads:**

Outdoor shooting ranges constructed after the effective date of this ordinance **shall limit operations to the following hours:**

Monday through Wednesday	10:00 am – 5:00 pm
Thursday & Friday	10:00 am – 30 minutes after sunset
Saturday	10:00 am – 2:00 pm
Sunday	No Shooting

**Change was made to ARTICLE IV: OPERATIONAL REQUIREMENTS, Section 401. Shooting Stations and now reads:**

There shall be no more that 20 shooting stations **in use at any given time**.

**Deleted Shot requirements**

**Change was made to ARTICLE IV: OPERATIONAL REQUIREMENTS, Section 403. Quarterly Reports and now reads:**

Quarterly inspection reports shall be submitted to the County by an inspector selected by the Jackson County Board of Commissioners. Forms to be developed and amended from time to time by the Planning Department.

**Alcoholic Beverages are prohibited on the premises. (TO BE ADDED)**

**Change was made to ARTICLE IV: OPERATIONAL REQUIREMENTS, Section 404. Liability Insurance and now reads:**

The permittee shall be required to carry a minimum of **two** million dollars **(\$2,000,000)** of liability insurance. Such insurance shall name the county as an additional insured party and shall save and hold the county, its elected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's member or employees or third party on account of any property damage arising out of use of the range, or in anyway arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The county shall be notified of any policy changes or lapses in coverage.

**Change was made to ARTICLE IV: OPERATIONAL REQUIREMENTS, Section 405. Environmental Bond (**modify caption to appropriate language**) and now reads:**

The permittee shall post a bond in the amount of three million dollars (\$3,000,000) to cover the cost of environmental clean up of the site. If the shooting range is sold, abandoned, or otherwise disposed of, the permittee shall be financially responsible for the costs incurred for hazardous waste clean up of the site.

The site shall meet requirements of the Environmental Protection Agency, NC Division of Water Quality, and the North Carolina Division of Solid Waste.

*Still need to work on this language*

**Change was made to ARTICLE X: DEVELOPMENT REVIEW PROCEDURES, Section 501. Permits and Approvals and now reads:**

An application for a permit to establish and operate a shooting range facility shall be submitted by the legal property owner(s) **or lessee** to the Jackson County Planning Department. Such a permit shall be secured prior to issuance of any other building or improvement permit by the county. The review procedures as set forth in this section are those required by the Jackson County Planning Department. Other agencies have separate review and approval procedures. These agencies must be contacted to obtain information regarding the approval procedure for permits required by them.

*Is legal owner or lessee responsible for clean up or liability issues?*

**Change was made to ARTICLE V: DEVELOPMENT REVIEW PROCEDURES, Section 502. Permit Application and now reads:**

B. The application shall be accompanied by a permit fee of **five** hundred dollars (**\$500**).

**Change was made to ARTICLE VI: REGISTRATION OF EXISTING RANGES, Section 601. Compliance:**

**Deleted Compliance Section**

**Change was made to ARTICLE VIII: PENALTIES, Section 700. Violations and now reads:**

**B. Last Paragraph**

B. The “Notice of Violation” shall be in writing and shall be delivered by certified or registered mail to the last known address of the owner or occupant, by personal service, or by posting conspicuously on the property. The owner or occupant shall remedy the violation within the time specified in the “Notice of Violation.” Appeals of the “Notice of Violation” may be taken to the Jackson County Board of Commissioners. Appeals should be made in writing stating the reason for the appeal and the desired outcome. Appeals shall be made within 30 days of the decision, order, or determination of the enforcement officer.

*This change made to be consistent with other county ordinances*

**Change was made to ARTICLE VIII: PENALTIES, Section 801. Penalties and Remedies and now reads:**

**B. Civil Penalties**

2. Issuance of Citations. No civil penalty shall be assessed under this section until the person alleged to be in violation has been notified in accordance with Section 700 B above, Notice of Violation. ~~If after receiving a notice of violation the owner or other violator fails to correct the violation~~ A civil penalty shall be imposed in the form of a citation. Such citation shall be in writing; shall be delivered by certified or registered mail to the last known address of the owner or occupant, by personal service, or by posting conspicuously on the property; shall state the civil penalty to be imposed upon the violator; shall direct the violator to pay the penalty within ten (10) business days of the date of violation. The following language shall be placed on any citation issued and served pursuant to this ordinance: “Failure to pay the civil penalty stated hereinabove, in addition to other remedies against you, shall subject you to payment of additional attorney’s fees, not to exceed 15% of the outstanding balance, including the principal amount of the penalty and interest accruing thereon.”

**C. Payment of Civil Penalties**

3. Payment of Civil Penalties. Upon expiration of the time limit set forth by the Enforcement Officer in the Notice of Violation, a civil penalty of **five hundred**

dollars (\$500) shall be assessed for each violation of this ordinance. In the event a violation continues, each forty-eight hour period constitutes a separate violation and causes additional civil penalties to be assessed in the amount of five hundred dollars (\$500) per violation. A maximum of five thousand dollars (\$5,000) in civil penalties can accrue for each violation. Assessment of a civil penalty and payment of that penalty does not negate the responsible party from correcting the violation. Civil penalties paid within ten business days shall be reduced by 50%, if the violation has been corrected.

Board Member Mike Moore made a motion that in view of the fact the Commissioners want a draft ordinance presented on May 10<sup>th</sup>, that a cover letter is included stating reservations of full endorsement of the draft Shooting Range Ordinance due to the fact adequate time has not been given to study the issue; and that the Planning Board respectfully requests an extension of time to complete the necessary research. Seconded by Richard Frady.

Bob Ginn, Chairman requested to meet with the Commissioners and Jimmy Ashe, Sheriff to discuss the ordinance. This session would allow these resources to contribute beneficial input to the development of this ordinance.

The Planning Board scheduled the next meeting for May 12<sup>th</sup> to continue work on the ordinance.

### **Adjournment**

Having no further business to discussed, Ira Jones made the motion to adjourn. The motion seconded by Mike Moore and a vote unanimous.

Respectfully Submitted,  
Linda Cable  
Planning Coordinator