# Chapter 161: COMMERCIAL OUTDOOR SPORT SHOOTING RANGES

**Chapter 161** **Table of Contents**

§161.01 Title
§161.02 Authority and Jurisdiction
§161.03 Purpose
§161.04 Interpretations and Definitions
§161.05 Intent
§161.06 Performance Standards
§161.07 Development Requirements
§161.08 Operational Requirements
§161.09 Permit Required for New Ranges and Facilities
§161.10 Documentation and Compliance of Existing Ranges
§161.11 Variances
§161.12 Inspections
§161.13 Penalties, Remedies, and Enforcement
§161.14 Severability
§161.15 Effective Date

## §161.01 Title.

This chapter shall be known as and may be cited as Commercial Outdoor Sport Shooting Ranges codified as Chapter 161 of the Haywood County Code of Ordinances.

## §161.02 Authority and Jurisdiction.

(A) This Chapter is established by the Haywood County Board of Commissioners pursuant to the authority conferred in N.C.G.S. 153A-121.

(B) The provisions of this Chapter shall apply to all unincorporated areas of Haywood County lying outside of the corporate limits and the extraterritorial jurisdiction of any municipality.

## §161.03 Purpose.

This Ordinance is intended to regulate the design, construction, and operation of commercial outdoor sport shooting ranges and facilities as defined herein. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize potential adverse effects on the health, safety, and general welfare of persons and properties. This Ordinance does not otherwise apply to the general discharge of firearms in accordance with all other applicable laws or regulations.

**§161.04. Interpretations and Definitions.**

(A) For the purposes of this Ordinance, certain words shall be defined or interpreted as follows:

(1) The word "County" shall mean Haywood County, North Carolina.

(2) The words "County Commissioners" shall mean the Board of Commissioners of Haywood County, North Carolina.

(3) The word "Ordinance" or "Chapter" shall mean this Ordinance which is codified as CHAPTER 161 of the Haywood County Code of Ordinances.

(4) Words used in the singular in this Ordinance include the plural, and words used in the plural include the singular.

(5) Words used in the present tense include future tense.

(6) The word "person" includes any firm, association, organization, corporation, company, trust, or partnership, as well as any individual or group of individuals.

(7) The words "used" or "occupied" shall mean "intended, designed, or arranged to be used by or is used or occupied by a person or persons."

(8) The word "lot" shall include the words "plot," "parcel," "site," "acreage," "tract," or "premises."

(9) The word "structure" shall include the word "building."

(10) The word "includes" shall not limit the term to specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(B) The following words shall be specifically defined as follows:

***Commercial:*** A practice, act, or method of selling goods, products, uses, acts, or the use of a range or facility by one person to another person generally for a fee.

***dBA***: The sound pressure level, in decibels, as measured using the impulse mode and "A" weighting network on a precision sound level meter.

***Firearm***: A weapon, including but not limited to pistols, rifles, and shotguns, capable of firing any projectile and which uses an explosive charge as a propellant.

***Firing line***: A line parallel to a target from which firearms are discharged.

***Occupied Building*:** A building that is used by any person at any time for the purpose of dwelling within, residing within, or living within, such as a family home. Occupied Building also means any building or structure used as a business office where proprietors, building owners, or persons in operational control conduct a commercial act or operate a business for services, uses, goods, or commerce with the public.

***Ordinance Administrator:*** An individual or group of individuals designated by the Haywood County Manager and charged with upholding the provisions of this chapter, and having the power to use all lawful measures to ensure that these provisions are being carried out.

***Person***: Also means any individual, proprietorship, partnership, corporation, club, or other legal entity as defined in N.C.G.S. Article 53C § 14-409.45 (1).

***Range Officer:*** A certified or otherwise credentialed person with the knowledge, skills, and abilities essential to organize, conduct, and supervise safe shooting activities and range operations and who is a minimum of 18 years of age.

***Safety fan***: An area on a shooting range designed to contain all projectiles fired from the shooting range.

***Surface Danger Zone***: The area that is designed to receive projectile impact resulting from direct fire, including misdirected and accidental discharges, and ricochets from any firearm which takes into consideration all mitigation efforts as submitted by the applicant and determined by a certified engineer.

***Sport Shooting Range***: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting, (N.C.G.S. Article 53C § 14-409.45 (2)). For the purpose of this Ordinance, a Commercial Sport Shooting Range may also be referred to as either a shooting range or a range.

***Shooting Range Facility***: A public or private facility, compound, or associated group of areas that are designed, constructed, or used by persons for the purpose of discharging various types of firearms, or any other shooting activity. This does not include:

(1) Incidental target practice areas on private property.

(2) Law enforcement or military firing ranges operated by any level of government that are inspected and certified by the State of North Carolina or federal government.

(3) Occasional not-for-profit charitable events commonly called "turkey shoots".

(4) Supervised educational events sanctioned by Haywood Community College or the Board of Education.

Shooting Range Facilities include amenities, appurtenances, or supporting structures such as safety fans, shotfall zones, structures, parking areas, or other associated improvements. For the purpose of this Ordinance, a Shooting Range Facility may also be referred to as a facility.

***Shooting station***: A fixed point within a range from which firearms are discharged.

***Shotfall zone***: An area within which the shot or pellets contained in a shotgun shell typically fall.

***Structure***: A walled and roofed building that is principally above ground; a manufactured home or a mobile home; a storage tank for gases or liquids; or any other permanent, manmade facilities.

***Substantial change in use***: The current primary use of the range no longer represents the activity previously engaged in at the range, (N.C.G.S. Article 53C § 14-409.45 (3)).

***Target***: Any object or area which is used as the intended recipient of the projectiles fired from a firearm.

**§161.05 Intent.**

It is the intent of this Ordinance to accomplish the following:

(A) *Permitting and compliance.* New ranges and facilities constructed on or after February 15, 2016, shall be designed, constructed and operated in accordance with a valid permit issued by Haywood County.

(B) S*hot containment*. Each range shall be designed to contain the bullets, shot, and ricochets of same discharged on or within the range.

(C) N*oise mitigation*. Each range shall be designed to minimize off-site noise impacts generated by the activities conducted on the range.

**§161.06 Performance Standards.**

The following performance standards shall apply to all ranges and facilities:

(A) *Shot containment*. Shooting ranges shall be constructed so that the use of firearms will result in the safe containment of all the bullets, shot, or other projectiles discharged, as well as any other associated debris on the range.

(B) *Noise mitigation*. Noise levels measured at any property line where the range or facility is located shall not exceed ninety (90) dBA.

**161.07 Development Requirements.**

(A) *Minimum design requirements.* All shooting ranges and facilities shall be designed and constructed so that they will be safe to use. Persons responsible for implementing these requirements may consider guidelines used by any credible national association, federal agency, branch of the United States military, or state government having demonstrable safety standards for ranges and facilities that will meet the intent of this ordinance.

(B) *Setbacks*. Notwithstanding the performance standards of **§**161.06 the following setbacks shall apply.

(1) All shooting stations and targets on a range shall be located a minimum of three hundred (300) feet from any property line; and, should an applicant seek to construct a facility with less stringent conditions than the requirements of this Ordinance related to distance locations from occupied buildings contained in §161.07(B), the applicant may seek relief from those requirements through an appeal to the Haywood County Planning Board. The appeal must contain a reasonable, alternative plan, and the appellant shall allow for adequate time for advance consideration and study of the alternative plan prior to the appeal being scheduled for the Planning Board agenda. The appeal must demonstrate that reasonable alternatives, techniques, or technologies will be installed that will best satisfy the requirements of §161.07(D) and §161.05(B) of this Ordinance. The alternative plan shall be designed by a licensed, qualified North Carolina engineer who must demonstrate the safety requirements of the alternative design.

The sound aspects of the alternative plan shall be designed by a licensed, qualified acoustics engineer who can successfully and accurately demonstrate the noise control elements of the alternative design such that persons at the property line would endure no more adverse impact than persons covered under the standard in §161.06(B). The Haywood County Planning Board shall approve, disapprove, or modify any alternative noise mitigation system prior to the facility being permitted for construction. The licensed, qualified acoustics engineer shall certify construction, function, and test records of as-built conditions prior to the issuance of a permit to operate. The Haywood County Planning Board shall approve, disapprove, or modify the alternative distance locations from occupied buildings prior to the facility being permitted for construction. The licensed, qualified safety engineer shall certify construction, function, and test records of as-built conditions prior to the issuance of a permit to operate.

(2) The surface danger zone shall be contained within the boundary line of any shooting range.

(C) *Warning signs*. Warning signs for shooting ranges and facilities shall be posted at one hundred-foot intervals along the entire perimeter of the facility and along the entire perimeter of the property lines in the same intervals.

(D) *Distance from occupied building.* All shooting stations, targets, and firing lines shall be located at one thousand (1000) feet from any existing, occupied building; excepting any occupied building located on the same Parcel Identification Number as the permitted range or facility.

(1) Should an applicant seek to construct a facility with less stringent conditions than the requirements of this Ordinance related to distance locations from occupied buildings contained in §161.07(D), the applicant may seek relief from those requirements through an appeal to the Haywood County Planning Board. The appeal must contain a reasonable, alternative plan, and the appellant must allow for adequate time for advance consideration and study of the alternative plan prior to the appeal being scheduled for the Planning Board agenda. The appeal must demonstrate that reasonable alternatives, techniques, or technologies are acceptable for technically accurate, appropriate, and safe reasons that will best satisfy the requirements of §161.07(D) and §161.05(B) of this Ordinance. The alternative plan safety aspects shall be designed by a licensed, qualified North Carolina safety engineer who must successfully and accurately demonstrate safe conditions of the alternative design.

The sound aspects of the alternative plan shall be designed by a licensed, qualified acoustics engineer who can successfully and accurately demonstrate conditions of the alternative design such that persons at the property line would endure no more impact than persons covered under the standard in 161.06(B). The Haywood County Planning Board shall approve, disapprove, or modify the alternative noise mitigation system prior to the facility being permitted for construction. The licensed, qualified acoustics engineer shall certify construction, function, and test records of as-built conditions prior to issuance of a permit to operate.

(2) The setback requirements of §161.07(D) and the Performance Standards of §161.06(B) may be waived to the extent such requirements and standards would not be met upon a designated portion of a lot within the setback area. Such waiver must be accomplished by the execution and recordation by the property owners of an easement over the land and air space covered by the setback distance, which shall be prepared by a licensed attorney and approved as to form by the Haywood County attorney.

(E) *Access to Facility.* Access to the facility and shooting range shall be secured and controlled by a six (6') foot fence or by other adequate methods so that access to the facility will be controlled to ensure the safety of patrons, spectators, and the public at large. Ingress and egress shall be permitted only during operating hours as provided in §161.08. Prior to issuance of a permit to construct pursuant to this Ordinance, a valid driveway permit must be obtained from North Carolina Department of Transportation. The driveway and parking areas of the facility may be outside of the secured area, so long as access to the firing line, safety fan, surface danger zone, shot fall zone, shooting station and target areas is separately secured.

(F) *Additional Requirements.*

(1) Any use of alcohol is prohibited on a range or facility.

(2) All areas within the proposed facility, including but not limited to firing area(s), backstops, surface danger zones, parking and accessory areas and the like shall be under uniform control or ownership.

(3) Any overnight or temporary storage of weapons, ammunition, and/or explosives must meet the storage and safety requirements of the United States Bureau of Alcohol, Tobacco, and Firearms and Explosives.

**§161.08 Operational Requirements.**

(A) *Maintenance*. All shooting ranges and facilities shall be operated and maintained in a manner that will be safe and meet recognized standards and guidelines. Persons responsible for operation and maintenance of a range or facility may consider guidelines used by any credible national association, federal agency, branch of the United States military, or state government having demonstrable safety standards for ranges and facilities that will meet the intent of this ordinance.

(B) *Best Management Practices.* Commercial Outdoor Sport Shooting Ranges and Facilities shall provide a plan outlining its Best Management Practices (BMPs) relating to lead management (Pb). The plan shall meet or exceed the guidelines as specified by the Environmental Protection Agency's (EPA) Best Management Practices for Lead at Outdoor Shooting Ranges, current edition. Any Commercial Outdoor Sport Shooting Range or Facility shall be compliant with all other local, state, and federal regulations.

(C) *Hours of operation.* Outdoor Sport shooting ranges and facilities shall be allowed to operate only between the later of sunrise or 7:00 a.m. and sunset, except that the hours may be extended after sunset for purposes of subdued-lighting certification of law enforcement officers, or may be extended for other purposes but only when approval allowing such activity is issued in advance by the Ordinance Administrator.

(D) The range and facility shall have a designated Range Officer present during all hours of operation.

(E) *Range and Facility Rules.* Specific rules must be developed for each range and facility, and the range and facility rules shall be clearly posted for all persons to inspect.

(F) *Liability insurance*. The permitee shall be required to carry a minimum of two million dollars ($2,000,000.00 - USA) per occurrence of liability insurance. Such insurance shall name Haywood County as an additional insured party and shall save and hold Haywood 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 members or employees or third parties on the account of any property damage, personal injury, or wrongful death 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. Any lapse of insurance coverage shall automatically trigger a thirty (30) day period during which the Range shall not be operated until such time as new insurance shall be obtained to replace the lapsed policy with similar, equal coverage. If proof of adequate coverage is not provided to the County within thirty (30) days of the lapse, the permit shall be revoked.

(G) *Limitation and Responsibility.* The enactment of this Ordinance does not constitute the endorsement of, the limitation of, or the prohibition of commercial outdoor sport shooting ranges and facilities. This Ordinance merely establishes baseline standards for the design of, the construction of, and the operation of commercial outdoor sport shooting ranges and facilities. This Ordinance does not, will not, and cannot infer or guarantee in any way that any person at or near a range or facility will be safe from the discharge of firearms. Haywood County hereby expressly states that the establishment of, the construction of, and the safe operation of commercial outdoor sport shooting ranges and facilities are the complete, total, and entire responsibility of the permit holder of the ranges and facilities subject to this Ordinance, and that safe use of a range or facility is the sole responsibility of the user.

**§161.09 Permit Required for New Ranges and Facilities.**

(A) *Permit application.* An application for a permit to construct and operate a shooting range or facility shall be submitted by the legal property owner(s) or owner's agent, to the Ordinance Administrator. A permit to construct shall be obtained prior to issuance of any other land-disturbing, building or improvement permit by Haywood County.

(B) *Fees*. A fee schedule may be established by the Board of County Commissioners.

(C) *Required information.* The applicant shall provide sufficient information to evidence compliance as required by these provisions in order for the proper evaluation of the application for a permit to construct. In addition, the following shall be submitted:

(1) An insurance binder from the insurance company to provide the required Liability insurance shall accompany the application; and,

(2) A written safety plan for the proposed range and facility; and,

(3) Copy of written specific range and facility rules.

(D) *Site plan.* A site plan for the entire range and facility which shows the following applicable information drawn to an appropriate scale, shall accompany the application:

(1) Property lines for any parcel upon which the range and facility will be located, North arrow, plan drawn to scale, date, and ownership information for the site including but not limited to deeds, partnership documents, and/or corporate documents; and,

(2) Complete layout of each range and facility, including shooting stations or firing lines, target areas, shot-fall zones or safety fans, backstops, berms, and baffles; and,

(3) Projected noise contours; and,

(4) Existing and proposed structures; occupied buildings within one thousand (1000) feet; roads, streets, or other access areas; and parking areas for the range and facility; and,

(5) Any other information deemed necessary by the Ordinance Administrator, related to the specific type of range or facility being proposed.

(E) *Action.* Within thirty (30) working days, the Ordinance Administrator shall take one (1) of the following actions:

(1) Reject the application as incomplete; or,

(2) Approve the issuance of the permit to construct.

(a) After construction, the applicant shall request an inspection of the range and facilities by the Ordinance Administrator. If the Commercial Outdoor Sport Shooting Range complies with the provisions of this Ordinance, the Ordinance Administrator will issue a permit to operate a Commercial Outdoor Sport Shooting Range; or,

(3) Deny the permit to construct request.

In any case, the written findings to support the action taken shall be provided to the applicant.

(F) *Permit display.* A permit to operate shall be kept and displayed in a readily visible location on the sport shooting range and facility and shall at all times be available for public inspection.

(G) *Permit transferability.* A permit to operate issued pursuant to this Ordinance may not be transferred to another person (as defined herein) without the written approval and consent of the Ordinance Administrator.

(H) *Changes or expansions*. If any shooting range or facility undergoes a substantial change of use including types of ranges, operations, or activities not covered by an approved permit to operate or otherwise resulting in nonconformance with this Ordinance, new permits for the entire facility must be obtained in accordance with all of the provisions of this Ordinance.

**§161.10 Documentation and Compliance of Existing Ranges.**

(A) *Documentation*. All ranges or facilities in operation prior to February 15, 2016, and seeking an exception from the provisions of this ordinance, shall provide a site plan prepared in accordance with §161.09(D) to the County within one hundred twenty (120) days after the effective date of this Ordinance. No fees will be charged, and a permit will not be required for current phases of existing ranges or facilities.

(B) *Compliance*. Any existing shooting range or facility determined not to be in compliance with this ordinance must, upon expansion or sale, obtain a permit to operate and comply with this Ordinance within sixty (60) days of the expansion or sale.

(C) *Abandonment and discontinuance*. When an existing range or facility is discontinued without the intent to reinstate the range or facility use, the property owner shall notify the County of such intent. In any event, the discontinuance of the range or facility or non-use of the range or facility for a period in excess of one hundred and eighty (180) days shall create the presumption said facility or range is abandoned, and such condition will result in the suspension of all current permits to operate. In order to resume operations, the Ordinance Administrator shall inspect the range or facility for compliance and permit reinstatement, and the range or facility must be in compliance in order for the permit to operate to be reinstated.

**§161.11 Variances.**

The Board of Commissioners shall have the authority to approve a variance from the terms of this Ordinance.

**§161.12 Inspections.**

(A) The Ordinance Administrator or his or her designees may periodically inspect the development activities subject to the requirements of this Chapter and shall request, from the applicant, permission to inspect the range or facility during construction and thereafter.

(B) If voluntary entry is denied, the Ordinance Administrator may seek any legal means to inspect the range or facility.

(C) The Ordinance Administrator shall be responsible for all inspections, plan review and approval, enforcement, and other responsibilities as outlined in this Chapter.

**§ 161.13 Penalties, Remedies, and Enforcement.**

(A) A violation of any of the provisions of this Chapter shall be a misdemeanor subject to the penalties and enforcement provisions of G.S. § 153A-123.

(B) Each day's continuing violation of any of the provisions of this Chapter shall constitute a separate and distinct violation.

(C) The provisions of this Chapter may be enforced by any one or more of the remedies authorized by G.S. § 153A-123.

(D) Failure to document an existing range or facility in accordance with § 161.10(A) shall void all provisions granted in this Ordinance for existing ranges and facilities.

**§ 161.14 Severability.**

If any section or sections of this Chapter is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

**§161.15 Effective Date.**

This Ordinance shall become effective upon its adoption, this the 18 day of

April, 2016.

HAYWOOD COUNTY BOARD OF COMMISSIONERS

Mark Swanger
Chairman