BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY, at its regular meeting on February 15, 2016, that the County of Haywood, North Carolina does hereby enact the following Ordinance:

Section 1: Title: Haywood County Commercial Outdoor Sport Shooting Range Development Moratorium Ordinance.

Section 2: General Policy Statement and Background: The Haywood County Board of Commissioners, after two regular meetings at which the possibility of a commercial outdoor sport shooting range being constructed in the unincorporated areas of the County outside any municipal planning jurisdiction was discussed, directed a Notice of Public Hearing to be published pursuant to GS 153A-121 and GS 153A-340(h), which notice was duly published on January 25, 2016. The public hearing was conducted on February 1, 2016.

Section 3: Findings:

A. Following the filing of an Application for Improvement Permit or Authorization for Wastewater System Construction (Septic System Permit) for an indoor gun range on December 16, 2015, and filing a plan for a Land-Disturbing Permit on January 19, 2016, it was brought to the attention of the Board of County Commissioners that there existed a possibility of the establishment of a commercial outdoor sport shooting range, and that there is no land use regulation or other development regulations which would apply to the construction of such improvement in Haywood County.

B. Valid questions have been posed as to whether the existing Haywood County Noise Ordinance is or is not sufficient protection to the citizens and property owner(s) of the County for impacts to a community from commercial outdoor sport shooting ranges.

C. Valid questions have been posed as to whether significant and imminent public health and safety concerns surrounding such land uses could have adverse effects on adjoining properties and persons.

D. Haywood County currently has no land use regulations that apply to commercial outdoor sport shooting ranges.

E. Several Federal agencies have produced information concerning the safety factors and appropriate building methods for commercial outdoor sport shooting ranges including the Environmental Protection Agency, Occupational Safety Health Administration, and the Center for Disease Control.

F. Several North Carolina counties have enacted ordinances related to the construction and operation of commercial outdoor sport shooting ranges.

G. The commissioners received the following information at the public hearing on February 1, 2016:

The citizens that spoke in favor of the proposed Moratorium Ordinance cited concerns about potential safety issues with lead; potential noise issues; increased traffic; and stray bullets in close proximity to homes, schools, churches and parks.

Other citizens with concerns about the proposed Moratorium Ordinance spoke about the time of the public hearing, possible new laws regulating ranges, the study being on something that has, in their opinion, not yet been proposed, and the rights of what citizens can do with their property.

Section 4: Consideration of requirements under NCGS Section 153A-340(h):

A. Haywood County desires to have time to study this issue in order to determine whether or whether not a regulatory ordinance affecting the construction, establishment and development of commercial outdoor sport shooting ranges should be enacted. There is presently no land use ordinance which would regulate such land use. Given concerns recently voiced by the public, current Haywood County Ordinances may not provide adequate protection. Therefore, the County desires the additional time allowed by this Moratorium Ordinance to study the various public health and safety risks that might be created by a commercial outdoor sport shooting range. The time allowed by this Moratorium Ordinance does not give the County adequate time to develop comprehensive land use regulations, but could allow reasonable time to develop a commercial outdoor sport shooting range ordinance during the 60 day moratorium period, as authorized by NCGS Section 153A-340(h),

B. This moratorium would prohibit the issuance of building permits, improvement permits, wastewater system construction permits, and land disturbing permits specific to commercial outdoor sport shooting ranges. This Moratorium Ordinance can give the County an opportunity to consider development of commercial outdoor shooting range regulations in a possible regulatory ordinance under the authority of NCGS Section 153A-121, thereby addressing possible impacts on public health and safety.

C. The termination date for the moratorium shall be April 15, 2016. Although 60 days is allowed for moratoria under the aforesaid statute, this date will accommodate public notice requirements and public meeting dates.

D. During the moratorium, there will be County department staff meetings and public meetings as well as inquiry into the experiences of other North Carolina units of local government in order to seek balance and fairness in considering moving forward with the development of an ordinance on commercial outdoor sport shooting ranges.

Section 5: Moratorium: From and after the adoption of this Ordinance on February 15, 2016 until its expiration on April 15, 2016, no County development permits shall be issued by County personnel or departments for commercial outdoor sport shooting ranges.

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Mark S. Swanger, Chairman
Haywood County Board of Commissioners