

Article VIII - **C** Commercial Outdoor Shooting Range Facility Ordinance

Section 1. Purpose

This Ordinance is intended to regulate the location, establishment, and operation boundary of commercial outdoor shooting range facilities (COSRF). Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This Ordinance does not otherwise apply to the general discharge of firearms in accordance with all other applicable laws or regulations

Section 2. Intent

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

- A. Permitting and compliance. New COSRFs shall only be established and operated in accordance with a valid permit issued by Craven County. In addition, existing COSRFs shall comply with the provisions of this Ordinance if undergoing a substantial change in use or substantial improvement.
- B. Shot containment. Each COSRF shall be designed to contain the bullets shot and other projectile material resulting from the discharge of firearms to the range facility.
- C. Noise mitigation. Each COSRF shall be designed to minimize off-site noise impacts generated by the activities conducted by the COSRF.
- D. Government Facilities and Activities. It is not the intent of this ordinance to regulate any government facility or activity.

Section 3. Authority

This Ordinance is adopted under the authority of North Carolina General Statute (N.C.G.S.) 153A- 121 and Chapter 160D.

Section 4. Definitions

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meanings herein set forth when used in this article. If a word or phrase used in this article is not defined by this section, elsewhere in this article or elsewhere in this chapter, to the extent such word or phrase is defined in Chapter 160D, the definition contained in Chapter 160D shall control.

Firearm: A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

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

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

Shooting range facility: An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

Commercial Outdoor Shooting Range Facility (COSRF): A public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms. Does not include incidental target practice areas on private property.

Shooting station: A fixed point from which firearms or arrows are discharged.

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

Occupied structure: A structure intended to be occupied, whether permanently or temporarily, by humans, including but not limited to homes, schools, businesses, and places of worship.

Livestock/Poultry Facility: (1) any tract of land used for the keeping, grazing, feeding or breeding of any species of domesticated livestock or poultry for commercial purposes, provided that the tract of land is fenced for such purposes; or (2) any building used for the keeping, feeding or breeding of any species of domesticated livestock or poultry for commercial purposes.

Substantial change in use: The current primary use of the range no longer represents the activity previously engaged in at the range.

Substantial improvement means any Development taking place during any one-year period whereby the cost of such Development equals or exceeds 50 percent of the market value of the improvements before the start the Development. This term includes Development occasioned by damage from casualty or natural disaster.

Non-participating landowner: An owner of land and or structures, not the applicant or owner of the COSRF.

Section 5. Applicability

The provisions of this article shall apply throughout the county except in areas subject to municipal planning and development regulation jurisdiction. Properties owned by a unit of local government, the State of North Carolina or the United States of American shall be exempt from the requirements of this article.

Section 6. Development Requirements

The following development requirements shall apply to new COSRFs and COSRFS which undergo a substantial change in use or substantial improvement:

- A. Setbacks. All shooting stations on a shooting range facility shall be located a minimum of two hundred (200) feet from any property line or existing right-of-way, whether public or private.
- B. Warning signs. Warning signs shall be posted at one hundred-foot intervals along the entire perimeter fence of the shooting range facility.
- C. Distance from occupied structure or livestock/poultry facility. All shooting stations shall be located at least 0.25 miles (one thousand three hundred twenty (1,320) feet) from any existing structures occupied or intended to be occupied by humans, including but not limited to homes, schools, businesses, places of worship and livestock/poultry facilities of non - participating landowners.
- D. Fencing. The entire perimeter of the shooting range facility shall be enclosed by a fence wherever geographical features of the land allow so that access to the site is controlled to ensure the safety of patrons, spectators, and the public at large. The perimeter fence shall, at a minimum, meet the North Carolina Department of Transportation standards for woven wire fencing,
- E. Shot containment. Shooting range facilities shall be designed to contain all of the bullets, shot, or any other debris on the range facility.
- F. COSRF Standards. The county recommends and encourages all COSRF facilities to adhere to all NRA standards and recommendations set forth in the most recent version of the NRA Shooting Range Source Book.
- G. Perimeter Berm. The entire perimeter of the COSRF shall be enclosed by a berm wherever geographical features of the land allow so that access to the site is controlled to ensure the safety of patrons, spectators, and the public at large. The perimeter berm shall, at a minimum be 20 feet in height and 20 feet width. In addition, the top of the berm shall be planted with an evergreen species that shall be at least 5 feet in height at full maturity, and at a maximum 10 feet apart.

Section 7. Operational Requirements

- A. Hours of operation. COSRF s may operate between sunrise and sunset Monday thru Saturday. On Sundays, COSRFs may operate between the hours of 1:00 p.m. to 5:00 pm.
- B. Liability insurance. The permittee shall be required to carry a minimum of five hundred thousand dollars (\$500,000.00) of liability insurance. Such policy shall require notice of at least 10 days to County for lapse or termination due to nonpayment or otherwise, and lapse or termination of such policy shall be a violation of this article and may subject the permit holder to the enforcement provisions of this article.
- C. Shooting Stations. Firearms may only be discharged from a designated shooting station.

Section 8. Procedure for Securing Approval for COSRFs

- A. Permit application. A Developer shall apply to the Craven County Planning Department for a permit to establish and operate a COSRF. Such permit shall be secured prior to issuance of any other development approval.
- B. Fees. The application shall be accompanied by an application fee set forth in the most recently adopted Craven County fee schedule.
- C. Required information. The applicant shall provide sufficient information as required by these provisions in order to properly evaluate the permit application. In addition, copies of any written agreements from the adjoining property owners and a letter from the insurance company to provide liability insurance shall accompany the permit application.
- D. Surveyed Site plan. A site plan for the entire range facility which shows the following applicable information drawn to an appropriate scale and prepared by a Licensed North Carolina Land Surveyor shall accompany the permit application.
 - 1. Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date, and ownership information for the site.
 - 2. Complete layout of the COSRF.

3. Existing and proposed structures; occupied structures or livestock/poultry facility within 0.25 miles (one thousand three hundred twenty (1,320) feet); roads, streets, or other access areas; buffer areas; and parking areas for the range facility; and
4. Any other appropriate information related to the specific type of range(s) being proposed.

E. The Craven County Planning Board shall review the site plan to ensure conformity with the requirements of this article and make recommendations to the Craven County Board of Commissioners to either approve, reject, or approve with conditions. No new COSRF shall be operated until the site plan has been approved by the board of commissioners.

G. Permit display. Permits shall always be kept and displayed in a readily visible location on the COSRF and be available for public inspection.

H. Permit Expiration. If a permit is issued hereunder to a landowner, the permit shall expire upon transfer of the real property upon which the COSRF is located. If a permit is issued to a person who is not the owner of the real property upon which the COSRF is located, such permit may not be assigned or transferred until the proposed assignee or transferee has demonstrated to the County full compliance with this ordinance.

I. Changes or expansions. Any COSRF existing as of the effective date of this article which undergoes a substantial change in use or a substantial improvement shall be subject to all terms and provisions of this article.

J. Bond Requirement. In order to guarantee compliance with the decommissioning plan and section 9 below, a developer shall provide a form of surety equal to or exceeding \$50,000 as estimated by a North Carolina Certified Engineer, either through cash, a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the county or in escrow with a financial institution designated as an official depository of the county.

K. Decommission Plan. A decommissioning plan will be required as laid out as per Section 9. Abandonment and Decommissioning. The decommissioning plan shall specifically address remediation of lead contamination resulting from the discharge of firearms, with reference to then-current state and federal best practices for shooting range lead remediation.

Section 9. Abandonment and Decommissioning

- A. Closure. Upon closure of any COSRF, the operator thereof shall give written notice to the Planning Director. The operator thereof shall also promptly comply with the decommissioning plan.
- B. Failure to Remediate. In addition to other enforcements provisions available in this Chapter, upon failure of an operator to comply with the decommissioning plan, the County may, at its election, use the surety posted in accordance with section 8 above to offset the costs of such compliance.

- C. Abandonment. A COSFR that ceases to operate on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the COSFR provides substantial evidence (updated every six months after 12 months of no operation) to the planning director or his designee of the intent to maintain and reinstate the operation of that facility.
- D. Decommissioning. A decommissioning plan signed by the owner of the COSRF for decommissioning addressing the following shall be submitted prior to the issuance of the development permit. This plan shall include a lead abatement plan that meets or exceeds local, state, and federal regulations in place and shall abide by the plan.

Section 10. Administration, Enforcement, Remedies, and Penalties

The enforcement and administrative provisions of this Chapter shall be applicable to COSRFs and are hereby incorporated by reference.