

STANDARD D: COLUMBUS COUNTY

COMMERCIAL OUTDOOR

SHOOTING RANGE ORDINANCE

Section 1. Purpose

This Ordinance is intended to regulate the establishment and operation of commercial outdoor shooting range facilities. 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 apply to otherwise applicable laws or regulations on the general discharge of firearms.

Section 2. Intent

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

- A. *Permitting and registration.* New shooting range facilities shall only be established and operated in accordance with a valid special use permit issued by the Columbus County Board of Adjustment. In addition, existing ranges shall be registered within ninety (90) days after the effective date of this Ordinance. Further, it is the intent of this Ordinance not to encourage the expansion, enlargement or increase of non-conforming uses, unless a valid special use permit has been obtained as required by this Ordinance.
- B. *Shot containment.* Each shooting range facility shall be designed to contain the bullets, shot, or arrows on the range facility.
- C. *Noise mitigation.* Each shooting range facility shall be designed to minimize off-site noise impacts generated by the activities conducted on the range facility.
- D. *Exempt.* This Ordinance shall not apply to the following:
 - (1) Private landowners and their guests engaging in *incidental* target practice or hunting activities;
 - (2) Indoor shooting ranges;

- (3) Noncommercial firearms training ranges and complexes operated by and for municipal, county and state law enforcement officers that are inspected and certified by the State of North Carolina or the United States Government
- (4) Nonprofit or charitable organizations engaging in fundraising activities by use of a shotgun using number six-shot through number nine-shot for a period not to exceed eight consecutive weeks, as long as a permit allowing such activity is issued in advance by the Columbus County Planning Department.
- (5) Non-profit, charitable or non-commercial organizations or individuals engaging in teaching or training activities under the supervision of a qualified individual.
- (6) Licensed professionals conducting *carry concealed weapon permit training* on their own property on an infrequent basis.

Section 3. Authority

This Ordinance is adopted under the authority of North Carolina General Statute 153A-121.

Section 4. Definitions

As used in this Ordinance, the following terms shall have the respective meanings ascribed to them:

Active Farm Operation: Commercial farm operations that are engaged in the cultivation of plants, animals or other life forms for food, fiber, biofuel, medicinal or other products used to sustain and enhance human life.

Archery: The art, sport, or skill of shooting with a bow and arrow.

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

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.

Firearm: A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant. For purposes of this ordinance, firearms do not include explosives, fully automatic weapons, bump stocks or large caliber rifles, including 50 caliber and .475 HH Magnum but excluding muzzle loaders.

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

Person: Any individual, corporation, association, club, firm, or partnership.

Range Safety Officer: A NRA 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 facility designed to contain all projectiles fired from a shooting range.

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

Shooting range facility: A commercial public or private facility, that includes individual shooting ranges, safety fans or shot fall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Definition includes private hunting clubs and other membership clubs but does not include incidental target areas on private property.

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

Shot fall 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 or mobile home; a storage tank for gases or liquids; or any other permanent, manmade facility.

Section 5. Applicability

This Ordinance is applicable to all existing and future shooting ranges in unincorporated Columbus County outside of any municipal zoning jurisdiction.

Section 6. Performance Standards

The following performance standards shall apply to all shooting range facilities:

- A. *Shot containment.* Shooting range facilities shall be designed to contain all of the bullets, shot, or arrows or any other debris on the range facility.

- B. *Noise mitigation.* Noise levels measured at the property line where the facility is maintained or, in the case of leased land, at the property line of any leased parcel shall not exceed eighty (80) dBA when located adjacent to any property line.

Section 7. Development Requirements

- A. *Setbacks.* Notwithstanding the performance standards of Section 6, all shooting stations on a range facility shall be located a minimum of two hundred (200) feet from any property line.
- B. *Warning signs.* Warning signs meeting National Rifle Association (NRA) guidelines for shooting ranges shall be posted at one hundred-foot intervals along the entire perimeter or the shooting range facility.
- C. *Distance from occupied dwelling.* All shooting stations, targets, firing lines, shall be located at least one half (1/2) mile or two thousand six hundred and forty (2,640) feet from any existing, occupied dwelling or an institutional use or building such as schools and churches.
- D. *Distance from active farming operations.* All shooting stations, targets, firing lines, shall be located at least one half (1/2) mile (2,640 feet) from any active farming operation.
- E. *Industry standards.* Ranges shall be designed in accordance with industry standards as described in *The National Rifle Association (NRA) Range Source Book*.
- F. *Safety Fan.* A site/development plan shall identify the safety fan for each firing range. The safety fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The safety fan configuration shall be based on evidence and address the design effectiveness of berms, overhead baffles or other safety barriers to contain projectiles to the safety fan area.
- G. *Berms.* Berms shall be a minimum height of 26 feet for rifle ranges that are 100 yards or less and a minimum of 20 feet in height for pistol ranges that are 50 yards or less. For ranges longer than the minimums, berm heights will be increased. The minimum height for side berms shall be 15 feet. The minimum top width shall be 10 feet.

- H. *Range Area Elevations.* Elevations for the range area, from shooter to target, shall be constructed to prevent rounds from being fired over the berm, and shall be shown on the site plan.
- I. *Vegetative Buffer.* A minimum 20 foot wide vegetative buffer is required around the entire perimeter of the shooting range facility.
- J. *Range Orientation.* Ranges shall be designed so that the direction of fire shall be parallel to or perpendicular to and away from the public right(s) of way or dedicated access easements. All outdoor ranges shall be developed in a manner to ensure that streams, ponds, lakes, or other watercourses or wetlands are not located between any firing line and target line with exception granted to skeet ranges utilizing steel shot ammunition.
- K. *Written variance.* The distance requirements of this Section may be varied with written permission of adjoining property owners affected thereby, except that written approval is not needed for any adjoining land owned by the State of North Carolina.

Section 8. Operational Requirements

- A. *Hours of operation.* Shooting ranges shall be allowed to operate between 8 am 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 only when a permit allowing such activity is issued in advance by the Columbus County Sheriff Department. On Sundays, shooting shall not commence before 1:00 pm.
- B. *Liability insurance.* The permittee shall be required to carry a minimum of three million dollars (\$3,000,000.00) of liability insurance. Such insurance shall name Columbus County as an additional insured party and shall save and hold Columbus 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 account of any personal injury, wrongful death or property damage 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.

- C. *Range Safety Officer.* The Range Safety Officer shall be located at the firing line or in close proximity to aid in the proper discharge and safe handling of all weapons anytime live fire is being conducted. **Proper supervision shall be maintained at all times.**
- D. *Range and Facility Rules.* Specific rules shall be developed for each range and facility, and the range and facility rules shall be clearly posted for all persons to inspect.
- E. *Unauthorized Access.* Unauthorized access to the shooting range facility must be controlled while firearms are being discharged.

Section 9. Procedure for Securing Approval for New Ranges

- A. *Special Use Permit application.* An application for a Special Use Permit to establish and operate a shooting range facility shall be submitted by the legal property owner(s) or owner's agent to the Columbus County Planning Department. Such permit shall be secured prior to issuance of any other building or improvement permit by Columbus County.
- B. *Fees.* The application shall be accompanied by an application fee of five hundred dollars (\$500.00) which is the fee for a Special Use permit application.
- C. *Site plan.* A site plan, submitted and sealed by a certified engineer preferably with range design experience, or other accredited individual with range design experience, that includes all components necessary to comply with Developmental Requirements listed above, as well as the following information:
 - 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 each range, including shooting stations, firing lines, target areas, shot-fall zones or safety fans, backstops, berms, and baffles;
 - 3. A description of the style or type of targets that will be utilized at the facility, including target composition and whether targets will be stationary or mobile. All targets shall be used in conjunction with the manufacturers' specifications for use. Silhouette targets are prohibited.
 - 4. Projected noise contours;
 - 5. Existing and proposed structures on the project site; occupied dwellings within one half (1/2) mile two thousand six hundred and forty (2,640) feet; roads, streets, or other access areas; buffer areas; and parking areas for the range facility; and

6. Any other appropriate information related to the specific type of range(s) being proposed.

D. *Required Information.* In addition to the site plan, the applicant shall provide sufficient information as required by these provisions in order to properly evaluate the permit application, including the following:

1. A written safety plan for the proposed shooting range/ facility; and,
2. A copy of the "Range and Facility Rules"; and,
3. Copies of any written agreements with the adjoining landowners; and,
4. An insurance binder from the insurance company to provide the required liability insurance coverage.
5. A written plan outlining its Best Management Practices (BMPs) program relating to lead management.

E. *Action.* At the next available meeting after a public hearing or community meeting, if required, the matter shall be placed on the agenda of the Columbus County Board of Adjustment who shall take one (1) of the following actions:

1. Reject the application as incomplete; or,
2. Approve the issuance of the permit, with or without conditions; or,
3. Deny the permit request.

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

F. *Permit display.* Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.

G. *Permit transferability.* A permit issued pursuant to this Ordinance may not be transferred to another operator without the written approval and consent of the Columbus County Planning Department.

H. *Background Checks.* Applicant, employees and volunteers must pass a background check where appropriate.

I. *Changes or expansions.* If any approved shooting range facility is changed, modified or expanded to include new or additional types of ranges, operations, or activities not covered by an approved permit or legal pre-existing status, a new permit for the entire

facility must be obtained in accordance with the provisions of this Ordinance before any plan modifications can occur.

Section 10. Requirements for Pre-Existing Nonconforming Ranges

- A. Within ninety (90) days after the effective date of this Ordinance, all pre-existing and non-conforming range facilities shall register their range facility with the Columbus County Planning Department by providing a copy of their plan for lead management, a copy of their Range and Facility Rules, a copy of their safety plan, a copy of their insurance binder and a copy of their site plan as described in Section 9C. No fees will be charged or permits required.
- B. All pre-existing and nonconforming range facilities shall be required to adhere to the following performance standards:
 - 1. The facility shall be maintained in a manner that will contain all projectiles within the property boundary lines.
 - 2. The facility shall not engage in any activity that causes an increase in the nonconformity of the pre-existing firing range facility.
 - 3. The facility shall not increase the total amount of space devoted to the firing range facility, nor shall the facility in anyway increase the intensity of use at said firing range facility, without first obtaining a special use permit.
 - 4. Facilities shall not perform physical alteration of structures or placement of new structures that will result in the **increase of total area** used in conjunction with the firing range facility and/or operations, without first obtaining a special use permit.
 - 5. Facilities shall not perform physical alteration of structures or placement of new structures that will result in an **increase in the intensity of use** of activities engaged in at the firing range facility and/or operations, without first obtaining a special use permit.
 - 6. Minor repairs to and routine property maintenance shall be permitted for all existing structures, berms and safety devices.

Section 11. Abandonment and Discontinuance

When any pre- existing shooting range or approved shooting range pursuant to this

Ordinance, is discontinued without the intent to reinstate the range or facility use, the property owner shall notify the Planning Department of such intent in writing. In any event, the discontinuance of the range or facility, or non-use of the range or facility, for a period in excess of 180 days shall create a presumption that said facility or range is abandoned. In order to resume operations, the property owner must obtain a special use permit, or if already an approved range, apply for a new special use permit.

Section 12. Variances

A variance may be granted by the Columbus County Board of Adjustment upon a finding that a practical difficulty or unnecessary hardship would result if this Ordinance were strictly applied. Variance requests shall be considered in accordance with the guidelines and procedures of Chapter 10, Part 2, Article 5 of the Columbus County Code of Ordinances.

Section 13. Annual Zoning Inspections

In order to ensure special use approval requirements and standards are adhered to, including conditions for pre-existing firing range facilities in Section 10, the Columbus County Planning Department shall perform an annual zoning compliance inspection on all approved and pre-existing firing range facilities. If any firing range facility fails to comply with special use approval requirements and standards, or conditions for pre-existing firing range facilities, then the facility shall be held in violation of this Ordinance and be subject to enforcement action.

Section 14. Enforcement, Remedies, and Penalties

- A. *Enforcement and remedies.* The Columbus County Sheriff's Department and/or Planning Department shall be responsible for the enforcement of this Ordinance. Any violation or attempted violation of the Ordinance or of any condition or requirement adopted pursuant to these provisions may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as allowed by state law. Any permit issued under this Ordinance may be suspended or revoked in accordance with the Columbus County Code as per NCGS 153A-362.
- B. *Civil penalties.* Any person who violates any of the provisions of the Ordinance shall be subject to a civil penalty of two hundred dollars (\$200) per violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separated violation.

- C. *Criminal penalties.* Any person who knowingly or willfully violates this Ordinance or who knowingly or willfully initiates or continues unapproved actions shall be guilty of a Class 3 misdemeanor punishable by imprisonment not to exceed thirty (30) days, or by a fine not to exceed fifty dollars (\$50.00).

Section 15. 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.

Section 16. Effective Date

This Ordinance shall become effective upon its adoption, this the _____ day of _____, 2018.

APPROVED and ADOPTED this the _____ day of _____, 2018.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

AMON E. MCKENZIE, Chairman

ATTESTED BY:

JUNE B. HALL, Clerk to Board

APPROVED AS TO FORM:

AMANDA B. PRINCE, Columbus County Attorney