

Angie Winchester

From: Kathie Livingston <woodswoman62@yahoo.com>
Sent: Tuesday, July 24, 2018 2:44 PM
To: jacksoncomgr@jacksonnc.org; jcfitzgerald@jacksonnc.org
Subject: Fw: hello from the livingstons and taylor creek neighbors
Attachments: lenoir county ordinance.pdf

Dear Mr. Adams and Ms. Fitzgerald,

We are contacting you to consider introducing an ordinance to limit the discharge of firearms on private property other than during hunting season or for protection of property and to also include someone opening up a gun range for their own business or to the public in Jackson County.

This issue has come about as the new owners, The Murdocks of 380 Taylor Creek Rd. in Cullowhee plan on opening 2 firing ranges. One for Rifles and Shotguns and one for Pistols. The property is surrounded by neighborhoods, houses, kids and retirees who live and spend months here to enjoy the peace and tranquility of the area.

Several of us in the Jackson county areas of Taylor Creek, CatsPaw and Walnut Gap in Cullowhee are very concerned and unhappy about this.

If you would please consider, here is a Lenoir County ordinance that addresses this issue. However, along with this, we would like to add a few more items.

In addition to the ordinance attached below we would like to add in the following:

1. It is necessary for protection from lead pollution and noise pollution, disrupting quality of life and it devalues properties.
2. The Restrictions would include anyone conducting a business on their property that includes discharging of firearms.

We have shared with a few commissioners a while back, that the "owner", Mr. Murdock of 380 Taylor Creek Rd. told some of us he would NOT open his shooting ranges to the public. However, since then he has said, he intends to "retire" from the Thunder Pawn Shop as manager and open his own business on his property as a Gunsmith and that he could in deed charge and allow clients to "shoot guns" there. He is currently a gunsmith by trade. He has also told us the current "noise ordinance" does not apply to him.

This is running a business that allows the discharge of firearms in a community, residential area. Some of his clients he shared with us are hunters in Africa and use \$300,000 high powered rifles. This not only poses a huge safety issue., it poses a huge noise issue. His property also has direct run off and springs that feed into Taylor Creek. His property is directly "on" Taylor Creek. This affects Taylor Creek residents (and there are many), Devon Neighborhood, Cats Paw and Walnut Gap communities. Several of us as neighbors have met and we are not happy with his intentions. Representatives from these neighborhoods are working on signature petitions that we will bring to your August 6th meeting to share with you during public comment.

We would also like to add that several of your commissioners have communicated with us and we thank you for this.

It is with great hopes that the commissioners of Jackson County are willing to help us.

Kathie and Steve Livingston

Osito Lane property owner, Cullowhee

843-928-3316

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**AN ORDINANCE REGULATING
THE DISCHARGE OF FIREARMS
DURING NON-HUNTING ACTIVITIES
IN LENOIR COUNTY**

WHEREAS, state law prohibits criminally negligent hunting pursuant to North Carolina General Statute 113-290; and

WHEREAS, citizens of Lenoir County have reported to the Board of Commissioners that there is also a need to regulate the negligent discharge of firearms in Lenoir County during non-hunting activities as well; and

WHEREAS, N.C.G.S. 153A-129 authorizes the County to “regulate, restrict, or prohibit the discharge of firearms at any time or any place except when used to take birds or animals pursuant to Chapter 113, Subchapter III, when used in defense of person or property, or when used pursuant to lawful directions of law enforcement officers,” and;

WHEREAS, the Lenoir County Board of Commissioners believes it to be in the best interest of the citizens of Lenoir County that limitations on the discharge of firearms are necessary for the safety and protection of the citizenry, and for the protection of the use of their property without fear of stray bullets crossing over their property;

NOW, THEREFORE, be it ordained by the Lenoir County Board of Commissioners as follows:

Section 1. Authority

This part is enacted pursuant to the authority of N.C.G.S. 153A-129. This Part shall be interpreted in accordance with any sections of the North Carolina General Statutes which, by their terms, limit the authority of the County to regulate the discharge of firearms.

Section 2. Firearm

Firearm as defined herein shall mean any handgun, shotgun or rifle which expels a projectile by action of an explosion.

Section 3. Restrictions

(a) It is unlawful for any person to discharge a firearm:

- (1) Within five hundred (500) feet of a school, church, daycare, playground, park, recreation area, or other type of public gathering place; or

- (2) Carelessly or heedlessly in wanton disregard for the safety of others;
or
 - (3) Without due caution or circumspection and in a manner so as to endanger any person or property and resulting in the unlawful property damage or bodily injury of another.
- (b) It is unlawful for any person to discharge a firearm on the property of another without their permission.
- (c) It is unlawful to discharge a firearm in any manner which actually results in the projectile leaving the property on which it is fired.
- (d) This section shall not be construed as prohibiting discharge of a firearm when used:
- (1) In lawful defense of person or property;
 - (2) To lawfully take birds or animals where authorized by the North Carolina General Statutes and other applicable laws;
 - (3) Pursuant to lawful directions of law enforcement officers;
 - (4) By law enforcement officers acting in the line of duty or during official law enforcement related training;
 - (5) By members of the armed forces acting in the line of duty;
 - (6) At historical ceremonial or commemoration functions held for such purpose provided in no event shall live ammunition be used or discharged; or
 - (7) At school sanctioned instructional or recreational activities intended to further the use of safe firearms practices.

Section 4: Violations and Penalties

- (a) Any person violating any provision of this part shall be guilty of a misdemeanor and subject to a fine of not more than \$500 and/or imprisonment for not more than thirty (30) days. Violators may be subject to a civil penalty of \$500 per violation to be recovered in the nature of debt if not paid within (30) days.
- (b) In addition to the provisions of (a) of this section, the county may enforce this ordinance by any one or more of the remedies authorized by G.S. 153A-123.