

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 2021

Short Title: Vance Hunting Changes.

(Local)

---

Sponsors: Representative Moore.

---

Referred to: Local and Regional Government I.

---

June 6, 1994

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF  
2 FIREARMS ON REGISTERED LAND IN VANCE COUNTY BY PROVIDING  
3 FOR REGISTRATION AT ANY TIME AND BY ELIMINATING THE  
4 REQUIREMENT THAT REGISTRATION BE RENEWED ANNUALLY.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 2 of Chapter 903 of the 1985 Session Laws reads as  
8 rewritten:

9 "Sec. 2. Registration procedure. (a) A person who possesses land and  
10 wishes to register it under this act must apply to the sheriff in accordance with this  
11 section.

12 (b) A new registration application or a renewal application containing an  
13 amendment of the boundaries of the tract of registered land must be filed with the  
14 sheriff ~~between July 1 and August 1~~ and must contain:

15 (1) A statement under oath by the applicant that he is the possessor of the  
16 tract of land to be registered. If the applicant is not an owner, he must  
17 file a copy of his lease or other document granting him his right of  
18 general possession of or the control of hunting rights on the land.

19 (2) Three copies of a description of the tract that will allow law  
20 enforcement officers to determine in the field, and prove in court,  
21 whether an individual is within the boundaries of the tract. This  
22 description may take the form of a map, plat, aerial photograph  
23 showing boundaries, diagram keyed to known landmarks, or any other

- 1 document or description that graphically demarks the boundaries with  
2 sufficient accuracy for use by officers in court and in the field.
- 3 (3) An agreement by the applicant to post the tract in accordance with the  
4 requirements of this section by August 15, and to make a continuing  
5 effort to maintain posted notices for the tract.
- 6 (4) An agreement by the applicant to issue or cause issuance of an entry  
7 permit to all individuals not exempted by Section 5(c) to whom he or  
8 his authorized agent gives permission to hunt or to discharge firearms  
9 on the tract or on any highway adjacent to the tract. The applicant  
10 must file the name and signature of any agent authorized by him to  
11 issue the entry permit.
- 12 (5) An agreement to notify the sheriff in writing immediately upon  
13 rescinding the authority of any agent and to file the name and signature  
14 of any new agent with the sheriff.
- 15 (6) A fee of ten dollars (\$10.00) to cover the administrative costs of  
16 processing the registration application.
- 17 (c) No renewal of registration is required except as provided in subsection (d) for  
18 new possessors, and a tract of land remains registered until the registrant requests in  
19 writing that the sheriff delete the tract of land from registration. An application for annual  
20 renewal of registration in which there is no change of boundaries of the tract must be filed with  
21 the sheriff between July 1 and August 1 and must contain:
- 22 (1) ~~A statement under oath by the applicant that he remains the possessor~~  
23 ~~of the tract of registered land.~~
- 24 (2) ~~A statement under oath that every posted notice required by this~~  
25 ~~section has been reviewed within the 30 days preceding the application~~  
26 ~~and a specification as to any failure of compliance with the posting~~  
27 ~~requirements. If there is any such failure, the registrant must agree to~~  
28 ~~bring his tract of registered land into full compliance with posting~~  
29 ~~requirements by August 15.~~
- 30 (3) ~~An agreement to make a continuing effort to maintain posted notices~~  
31 ~~for the tract.~~
- 32 (4) ~~An agreement to issue or cause issuance of an entry permit to all~~  
33 ~~individuals not exempted by Section 5(c) to whom he or his authorized~~  
34 ~~agent gives permission to hunt or to discharge firearms on the tract or~~  
35 ~~on any highway adjacent to the tract. The registrant must list the name~~  
36 ~~of each agent currently authorized by him to issue the entry permit,~~  
37 ~~and must file the name and signature of any agent newly so authorized.~~
- 38 (5) ~~An agreement to notify the sheriff in writing immediately upon~~  
39 ~~rescinding the authority of an agent and to file the name and signature~~  
40 ~~of any new agent with the sheriff.~~
- 41 (6) ~~A fee of five dollars (\$5.00) to cover the administrative costs of~~  
42 ~~processing the renewal application.~~
- 43 (d) Within 20 days after a registrant loses his status as the possessor of all or  
44 any part of a tract of registered land, he must notify the sheriff of this fact. If there is a

1 new possessor who wishes to retain the land's registered status, and there will be no  
2 change as to the overall boundaries of registered land, the new possessor may within 20  
3 days after gaining this status apply to the sheriff to have the former registrant's  
4 application amended to designate him as the possessor of the transferred tract or portion  
5 of the tract. The amended application must ~~contain all the provisions of a renewal~~  
6 ~~application under subsection (e), and the new possessor must pay a fee of five dollars (\$5.00) to~~  
7 ~~cover the administrative costs of processing the renewal application.~~ contain:

- 8 (1) A statement under oath by the applicant that he is the possessor of the  
9 tract of registered land.
- 10 (2) A statement under oath that every posted notice required by this section  
11 has been reviewed within the 30 days preceding the application and a  
12 specification as to any failure of compliance with the posting  
13 requirements. If there is any such failure, the registrant must agree to  
14 bring his tract of registered land into full compliance with posting  
15 requirements within 30 days of the application.
- 16 (3) An agreement to make a continuing effort to maintain posted notices for  
17 the tract.
- 18 (4) An agreement to issue or cause issuance of an entry permit to all  
19 individuals not exempted by Section 5(c) to whom he or his authorized  
20 agent gives permission to hunt or to discharge firearms on the tract or  
21 on any highway adjacent to the tract. The registrant must list the name  
22 of each agent currently authorized by him to issue the entry permit,  
23 and must file the name and signature of any agent newly so authorized.
- 24 (5) An agreement to notify the sheriff in writing immediately upon rescinding  
25 the authority of an agent and to file the name and signature of any new  
26 agent with the sheriff.
- 27 (6) A fee of five dollars (\$5.00) to cover the administrative costs of  
28 processing the renewal application.

29 If there is any lapse as to the registered status of the land or any change as to  
30 boundaries of registered land, application must be made ~~between July 1 and August 1~~  
31 under the provisions of subsection (b).

32 (e) The sheriff must first examine each application submitted under subsection (b) to  
33 determine whether the description of the tract will satisfy the provisions of subdivision  
34 (2). If the description is not adequate, the sheriff may in his discretion reject the  
35 application or require an amended description that does satisfy those provisions. If the  
36 application otherwise satisfies the provisions of subsection (b), the sheriff before  
37 September 1 must inspect the tract to be registered to determine whether the land is  
38 properly posted in compliance with this section. As to renewal applications, the sheriff  
39 must determine whether the provisions of subsection ~~(e)~~(d) are met. Of the applications  
40 that do meet the requirements, he must make spot checks of the tracts of land covered  
41 by these applications before September 1 for compliance with the posting requirements  
42 of this section.

43 (f) By September 1 each year, the sheriff must:

- 1 (1) File with the Register of Deeds of Vance County a listing of all tracts  
2 of land accepted by him for registration during the ensuing year. This  
3 listing must contain an abbreviated description of the location of each  
4 tract of land so accepted.
- 5 (2) File with the Register of Deeds a copy of the full description of the  
6 boundaries of each tract accepted for registration that year under  
7 subsection (b). As to the remaining applications accepted, the sheriff  
8 must indicate in his filing with the Register of Deeds the year in which  
9 a full description was filed for that tract that met the requirements of  
10 subdivision (2) of subsection (b).
- 11 (3) File with the North Carolina Wildlife Resources Commission all of the  
12 material required to be filed with the Register of Deeds under  
13 subdivisions (1) and (2). The sheriff must also furnish the North  
14 Carolina Wildlife Resources Commission with a copy of the signature  
15 of each registrant and agent newly authorized to issue entry permits  
16 during the ensuing year, and a listing of agents no longer authorized to  
17 issue entry permits. In addition, throughout the year as registrants  
18 make changes with respect to their authorized agents or there are  
19 amended applications that substitute registrants, the sheriff must as  
20 soon as feasible inform the Commission of the changes and file with  
21 the Commission a copy of the signatures of new registrants and agents.
- 22 (4) Release for publication by appropriate media with coverage in Vance  
23 County the listing described in subdivision (1).
- 24 (5) Compile and maintain throughout the ensuing year in his office, so that  
25 the information is freely available to the public, all of the information  
26 covered by this subsection.

27 (g) Each registrant under this act must post his tract of registered land within the  
28 time limits agreed to by him in his registration application, and the registrant must from  
29 time to time inspect his registered land and repost the land to keep it in conformance  
30 with the requirements of this subsection. Posted notices must measure at least 120  
31 square inches; contain the word "POSTED" in letters at least three inches high; state  
32 that the land is registered with the Sheriff of Vance County and that hunting and the  
33 discharge of firearms are prohibited without an entry permit. Notices must be  
34 conspicuously posted not more than 200 yards apart close to and along the boundaries  
35 of the tract. In any event, at least one notice must be placed on each side of the  
36 registered tract, one at each corner, one facing toward the traveled portion of each  
37 abutting highway, and one at each point of entry. A point of entry is where a roadway,  
38 trail, path, or other way likely to be used by entering hunters and marksmen leads into  
39 the tract. Notices posted along the boundaries of a tract must face in the direction that  
40 they will most likely be seen by hunters and marksmen.

41 (h) Any law enforcement officer or any employee of the North Carolina Wildlife  
42 Resources Commission who determines that a registrant has failed to keep registered  
43 property posted in substantial compliance with this section must so notify the registrant  
44 or his agent. If within a reasonable time after notice the registrant fails to take steps to

1 post or repost the tract, or if without regard to notice a registrant is inexcusably or  
2 repeatedly negligent in failing to keep the tract properly posted, the sheriff upon  
3 learning of this must immediately delete registration of the tract, notify the registrant, or  
4 the present possessor if the registrant is no longer a possessor, and require that the  
5 responsible person remove any remaining posted notices.

6 (i) ~~When there is no renewal of an application for registration, when~~ the sheriff learns  
7 that a registrant is no longer the possessor of a registered tract of land and there has  
8 been no timely application by the new possessor to amend the registration, or when a  
9 registrant requests that his tract of land be deleted from registration, the sheriff must  
10 immediately delete the registration of the tract, notify the current possessor of his  
11 action, and require him to remove all posted notices.

12 (j) A possessor's failure to cause the removal of all posted signs within a reasonable  
13 time after receipt of notice that the tract has been deleted from registration is a  
14 misdemeanor punishable in the discretion of the court."

15 Sec. 2. This act is effective upon ratification.