

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 592

Short Title: Granville Hunting Changes.

(Local)

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Sponsors: Representatives Fox; Alexander, Church, Crawford, Gamble, Hensley, Hill, Hurley, Locke, Owens, and Wilkins.

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Referred to: Local and Regional Government II.

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March 28, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF FIREARMS  
2 ON REGISTERED LAND IN GRANVILLE COUNTY BY PROVIDING FOR  
3 REGISTRATION AT ANY TIME, BY ELIMINATING THE REQUIREMENT  
4 THAT REGISTRATION BE RENEWED ANNUALLY, AND BY PROVIDING  
5 THAT A REGISTRANT MUST FURNISH THE POSTED NOTICES REQUIRED  
6 TO COMPLY WITH THE LAW.  
7

8 The General Assembly of North Carolina enacts:

9 Section 1. Section 2 of Chapter 159 of the 1991 Session Laws reads as  
10 rewritten:

11 "Sec. 2. Registration procedure.

12 (a) A person who possesses land and wishes to register it under this act must apply  
13 to the sheriff in accordance with this section.

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

17 (1) A statement under oath by the applicant that he is the possessor of the  
18 tract of land to be registered. If the applicant is not an owner, he must

1 file a copy of his lease or other document granting him his right of  
2 general possession of or the control of hunting rights on the land.

3 (2) Three copies of a description of the tract that will allow law  
4 enforcement officers to determine in the field, and prove in court,  
5 whether an individual is within the boundaries of the tract. This  
6 description may take the form of a map, plat, aerial photograph showing  
7 boundaries, diagram keyed to known landmarks, or any other document  
8 or description that graphically demarks the boundaries with sufficient  
9 accuracy for use by officers in court and in the field.

10 (3) An agreement by the applicant to post the tract in accordance with the  
11 requirements of this section by August 15, and to make a continuing  
12 effort to maintain posted notices for the tract.

13 (4) An agreement by the applicant to issue or cause issuance of an entry  
14 permit to all individuals not exempted by Section 5(c) to whom he or  
15 his authorized agent gives permission to hunt, or to possess a firearm or  
16 bow and arrow that is readily available for use, on the tract or on any  
17 highway adjacent to the tract. The applicant must file the name and  
18 signature of any agent authorized by him to issue the entry permit.

19 (5) An agreement to notify the sheriff in writing immediately upon  
20 rescinding the authority of any agent and to file the name and signature  
21 of any new agent with the sheriff.

22 (6) A fee of ten dollars (\$10.00) to cover the administrative costs of  
23 processing the registration application.

24 (c) No renewal of registration is required except as provided in subsection (d) for  
25 new possessors, and a tract of land remains registered until the registrant requests in  
26 writing that the sheriff delete the tract of land from registration. An application for annual  
27 renewal of registration in which there is no change of boundaries of the tract must be filed with  
28 the sheriff between July 1 and August 1 and must contain:

29 (1) ~~A statement under oath by the applicant that he remains the possessor of~~  
30 ~~the tract of registered land.~~

31 (2) ~~A statement under oath that every posted notice required by this section~~  
32 ~~has been reviewed within the 30 days preceding the application and a~~  
33 ~~specification as to any failure of compliance with the posting~~  
34 ~~requirements. If there is any such failure, the registrant must agree to~~  
35 ~~bring his tract of registered land into full compliance with posting~~  
36 ~~requirements by August 15.~~

37 (3) ~~An agreement to make a continuing effort to maintain posted notices for~~  
38 ~~the tract.~~

39 (4) ~~An agreement to issue or cause issuance of an entry permit to all~~  
40 ~~individuals not exempted by Section 5(c) to whom he or his authorized~~  
41 ~~agent gives permission to hunt, or to possess a firearm or bow and arrow~~  
42 ~~that is readily available for use, on the tract or on any highway adjacent~~  
43 ~~to the tract. The registrant must list the name of each agent currently~~

1 authorized by him to issue the entry permit, and must file the name and  
2 signature of any agent newly so authorized.

3 (5) ~~An agreement to notify the sheriff in writing immediately upon~~  
4 ~~rescinding the authority of an agent and to file the name and signature of~~  
5 ~~any new agent with the sheriff.~~

6 (6) ~~A fee of five dollars (\$5.00) to cover the administrative costs of~~  
7 ~~processing the renewal application.~~

8 (d) Within 20 days after a registrant loses his status as the possessor of all or any  
9 part of a tract of registered land, he must notify the sheriff of this fact. If there is a new  
10 possessor who wishes to retain the land's registered status, and there will be no change as  
11 to the overall boundaries of registered land, the new possessor may within 20 days after  
12 gaining this status apply to the sheriff to have the former registrant's application amended  
13 to designate him as the possessor of the transferred tract or portion of the tract. The  
14 amended application must ~~contain all the provisions of a renewal application under subsection~~  
15 ~~(e), and the new possessor must pay a fee of five dollars (\$5.00) to cover the administrative costs~~  
16 ~~of processing the renewal application. contain:~~

17 (1) A statement under oath by the applicant that he is the possessor of the  
18 tract of registered land.

19 (2) A statement under oath that every posted notice required by this section  
20 has been reviewed within the 30 days preceding the application and a  
21 specification as to any failure of compliance with the posting  
22 requirements. If there is any such failure, the registrant must agree to  
23 bring his tract of registered land into full compliance with posting  
24 requirements within 30 days of the application.

25 (3) An agreement to make a continuing effort to maintain posted notices for  
26 the tract.

27 (4) An agreement to issue or cause issuance of an entry permit to all  
28 individuals not exempted by Section 5(c) to whom he or his authorized  
29 agent gives permission to hunt, or to possess a firearm or bow and arrow  
30 that is readily available for use, on the tract or on any highway adjacent  
31 to the tract. The registrant must list the name of each agent currently  
32 authorized by him to issue the entry permit, and must file the name and  
33 signature of any agent newly so authorized.

34 (5) An agreement to notify the sheriff in writing immediately upon  
35 rescinding the authority of an agent and to file the name and signature of  
36 any new agent with the sheriff.

37 (6) A fee of five dollars (\$5.00) to cover the administrative costs of  
38 processing the renewal application.

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

42 (e) The sheriff must first examine each application submitted under subsection (b) to  
43 determine whether the description of the tract will satisfy the provisions of subdivision

1 (2). If the description is not adequate, the sheriff may in his discretion reject the  
2 application or require an amended description that does satisfy those provisions. If the  
3 application otherwise satisfies the provisions of subsection (b), the sheriff before  
4 September 1 must inspect the tract to be registered to determine whether the land is  
5 properly posted in compliance with this section. As to renewal applications, the sheriff  
6 must determine whether the provisions of subsection ~~(e)~~(d) are met. Of the applications  
7 that do meet the requirements, he must make spot checks of the tracts of land covered by  
8 these applications before September 1 for compliance with the posting requirements of  
9 this section.

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

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

37 (g) Each registrant under this act must post his tract of registered land within the time  
38 limits agreed to by him in his registration application, and the registrant must from time  
39 to time inspect his registered land and repost the land to keep it in conformance with the  
40 requirements of this subsection. Posted notices must measure at least 120 square inches;  
41 contain the word 'POSTED' in letters at least three inches high; state that the land is  
42 registered with the Sheriff of Granville County and that hunting and the possession of  
43 weapons are prohibited without an entry permit. Notices must be conspicuously posted

1 not more than 200 yards apart close to and along the boundaries of the tract. In any event,  
2 at least one notice must be placed on each side of the registered tract, one at each corner,  
3 one facing toward the traveled portion of each abutting highway, and one at each point of  
4 entry. A point of entry is where a roadway, trail, path, or other way likely to be used by  
5 entering hunters and weapons possessors leads into the tract. Notices posted along the  
6 boundaries of a tract must face in the direction that they will most likely be seen by  
7 hunters and weapons possessors.

8 (h) Any law enforcement officer or any employee of the North Carolina Wildlife  
9 Resources Commission who determines that a registrant has failed to keep registered  
10 property posted in substantial compliance with this section must so notify the registrant  
11 or his agent. If within a reasonable time after notice the registrant fails to take steps to  
12 post or repost the tract, or if without regard to notice a registrant is inexcusably or  
13 repeatedly negligent in failing to keep the tract properly posted, the sheriff upon learning  
14 of this must immediately delete registration of the tract, notify the registrant, or the  
15 present possessor if the registrant is no longer a possessor, and require that the  
16 responsible person remove any remaining posted notices.

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

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

26 Sec. 2. Section 3 of Chapter 159 of the 1991 Session Laws reads as rewritten:

27 "Sec. 3. Entry permits and posted ~~notices furnished by sheriff~~ notices.

28 (a) Upon initial or renewal registration of a tract of land, the sheriff must furnish  
29 the registrant with a reasonable number of entry permit forms to be carried by individuals  
30 given permission to hunt, or possess a firearm or bow and arrow that is readily available  
31 for use, on the registered land or on any highway abutting the registered land. The sheriff  
32 must establish a procedure for resupplying registrants and their agents with entry permit  
33 forms for their registered land as needed.

34 (b) To be valid, the entry permit must be issued and dated within the previous  
35 12 months and signed by the registrant, or by an authorized agent of the registrant whose  
36 signature is on file with the sheriff.

37 (c) ~~The sheriff-registrant must procure a stock-sufficient number of posted~~  
38 ~~notices that meet the requirements of subsection (g) of Section 2 of this act and, upon~~  
39 ~~initial or renewal registration, furnish the registrant with a sufficient number of posted notices~~  
40 ~~that he may comply with the posting requirements of this act. The sheriff must establish a~~  
41 ~~procedure for supplying registrants with additional posted notices as needed for reposting in~~  
42 ~~compliance with this act.~~ act in order to comply with the posting requirements of this act."

43 Sec. 3. This act is effective upon ratification.