

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1424*

Short Title: Warren Hunters Permits.

(Local)

Sponsors: Senator Ballance.

Referred to: Marine Resources and Wildlife.

May 30, 1990

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE REGISTRATION OF LAND IN WARREN COUNTY AND TO REQUIRE ANY PERSON HUNTING OR POSSESSING A FIREARM OR BOW AND ARROW THAT IS READILY AVAILABLE FOR USE TO SECURE AN ENTRY PERMIT BEFORE ENTERING OR REMAINING ON REGISTERED LAND OR REMAINING ON ABUTTING PORTIONS OF HIGHWAY.

The General Assembly of North Carolina enacts:

Section 1. Definitions. The definitions in Article 12 of Chapter 113 of the General Statutes of North Carolina apply in the construction of this act. In addition, the following definitions apply:

- (1) Abutting Portion of Highway. The portion of a highway immediately abutting registered land. This immediately abutting portion extends from the center of the main-traveled portion to the right-of-way boundary shared with the registered land.
- (2) Entry Permit. The permit described in Section 3.
- (3) Highway. The entire distance between right-of-way property lines of every public roadway.
- (4) Possessor of Land. A person who owns land, is a lessee in general possession of land, or is the lessee of hunting rights on the land.
- (5) Registered Land. Land that has been accepted for registration by the sheriff and published as such, and which has not been deleted from registration.
- (6) Registrant. A current applicant of record for a tract of registered land.

1 (7) Sheriff. The Sheriff of Warren County or any of his deputies or
2 employees authorized to perform the duties under this act.

3 Sec. 2. Registration procedure.

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

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

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

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

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

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

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

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

34 (c) An application for annual renewal of registration in which there is no
35 change of boundaries of the tract must be filed with the sheriff between July 1 and
36 August 1 and must contain:

37 (1) A statement under oath by the applicant that he remains the possessor
38 of the tract of registered land.

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

- 1 (3) An agreement to make a continuing effort to maintain posted notices
2 for the tract.
- 3 (4) An agreement to issue or cause issuance of an entry permit to all
4 individuals not exempted by Section 5(c) to whom he or his authorized
5 agent gives permission to hunt, or to possess a firearm or bow and
6 arrow that is readily available for use, on the tract or on any highway
7 adjacent to the tract. The registrant must list the name of each agent
8 currently authorized by him to issue the entry permit, and must file the
9 name and signature of any agent newly so authorized.
- 10 (5) An agreement to notify the sheriff in writing immediately upon
11 rescinding the authority of an agent and to file the name and signature
12 of any new agent with the sheriff.
- 13 (6) A fee of five dollars (\$5.00) to cover the administrative costs of
14 processing the renewal application.
- 15 (d) Within 20 days after a registrant loses his status as the possessor of all or
16 any part of a tract of registered land, he must notify the sheriff of this fact. If there is a
17 new possessor who wishes to retain the land's registered status, and there will be no
18 change as to the overall boundaries of registered land, the new possessor may within 20
19 days after gaining this status apply to the sheriff to have the former registrant's
20 application amended to designate him as the possessor of the transferred tract or portion
21 of the tract. The amended application must contain all the provisions of a renewal
22 application under subsection (c), and the new possessor must pay a fee of five dollars
23 (\$5.00) to cover the administrative costs of processing the renewal application. If there
24 is any lapse as to the registered status of the land or any change as to boundaries of
25 registered land, application must be made between July 1 and August 1 under the
26 provisions of subsection (b).
- 27 (e) The sheriff must first examine each application submitted under
28 subsection (b) to determine whether the description of the tract will satisfy the
29 provisions of subdivision (2). If the description is not adequate, the sheriff may in his
30 discretion reject the application or require an amended description that does satisfy
31 those provisions. If the application otherwise satisfies the provisions of subsection (b),
32 the sheriff before September 1 must inspect the tract to be registered to determine
33 whether the land is properly posted in compliance with this section. As to renewal
34 applications, the sheriff must determine whether the provisions of subsection (c) are
35 met. Of the applications that do meet the requirements, he must make spot checks of
36 the tracts of land covered by these applications before September 1 for compliance with
37 the posting requirements of this section.
- 38 (f) By September 1 each year, the sheriff must:
- 39 (1) File with the Register of Deeds of Warren County a listing of all tracts
40 of land accepted by him for registration during the ensuing year. This
41 listing must contain an abbreviated description of the location of each
42 tract of land so accepted.
- 43 (2) File with the Register of Deeds a copy of the full description of the
44 boundaries of each tract accepted for registration that year under

1 subsection (b). As to the remaining applications accepted, the sheriff
2 must indicate in his filing with the Register of Deeds the year in which
3 a full description was filed for that tract that met the requirements of
4 subdivision (2) of subsection (b).

- 5 (3) File with the North Carolina Wildlife Resources Commission all of the
6 material required to be filed with the Register of Deeds under
7 subdivisions (1) and (2). The sheriff must also furnish the North
8 Carolina Wildlife Resources Commission with a copy of the signature
9 of each registrant and agent newly authorized to issue entry permits
10 during the ensuing year, and a listing of agents no longer authorized to
11 issue entry permits. In addition, throughout the year as registrants
12 make changes with respect to their authorized agents or there are
13 amended applications that substitute registrants, the sheriff must as
14 soon as feasible inform the Commission of the changes and file with
15 the Commission a copy of the signatures of new registrants and agents.
- 16 (4) Release for publication by appropriate media with coverage in Warren
17 County the listing described in subdivision (1).
- 18 (5) Compile and maintain throughout the ensuing year in his office, so that
19 the information is freely available to the public, all of the information
20 covered by this subsection.

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

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

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

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

10 Sec. 3. Entry permits and posted notices furnished by sheriff.

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

17 (b) To be valid, the entry permit must be issued and dated within the previous
18 12 months and signed by the registrant, or by an authorized agent of the registrant
19 whose signature is on file with the sheriff.

20 (c) The sheriff must procure a stock of posted notices that meet the
21 requirements of subsection (g) of Section 2 of this act and, upon initial or renewal
22 registration, furnish the registrant with a sufficient number of posted notices that he may
23 comply with the posting requirements of this act. The sheriff must establish a procedure
24 for supplying registrants with additional posted notices as needed for reposting in
25 compliance with this act.

26 Sec. 4. Affirmative duty of hunters and weapons possessors to determine if
27 land is registered. Every individual who enters the land of another to hunt or who is in
28 possession of a firearm or a bow and arrow that is readily available for use and every
29 individual who hunts or discharges a firearm while upon a highway or the land of
30 another is first under a duty to:

- 31 (1) Make appropriate inquiries to determine whether the land on which
32 hunting or the possession of weapons will occur is registered land;
- 33 (2) Make appropriate inquiries to determine whether the land abutting the
34 portion of highway on which hunting or the possession of weapons
35 will occur is registered land; and
- 36 (3) Look for posted notices that may warn him of the registered status of
37 any land on which hunting or the possession of weapons will occur
38 and for posted notices on the land abutting the portion of the highway
39 on which hunting or the discharge of firearms will occur.

40 Sec. 5. Hunting or possessing weapons without permission on registered land
41 or on abutting portions of highway; exceptions.

42 (a) No one may hunt or possess a firearm or bow and arrow that is readily
43 available for use, or enter to hunt or while in possession of a firearm or bow and arrow

1 that is readily available for use, on registered land without having in possession a valid
2 entry permit for that land issued to him.

3 (b) No one may hunt or possess a firearm or bow and arrow that is readily
4 available for use on any portion of a highway that abuts registered land without having
5 in possession a valid entry permit for the abutting land issued to him.

6 (c) This section does not apply to the registrant and members of his
7 immediate family who are hunting or possessing weapons on the registrant's land or on
8 abutting portions of highway.

9 (d) This section does not apply to travelers on the highway in lawful possession
10 of weapons during the course of travel who have not stopped or loitered on the highway
11 for the purpose of hunting or using weapons.

12 Sec. 6. Removal, destruction, or mutilation of posted notices. Unauthorized
13 removal, destruction, or mutilation of posted notices on registered land is a
14 misdemeanor punishable by a fine of not less than fifty dollars (\$50.00), imprisonment
15 not to exceed 90 days, or both.

16 Sec. 7. Posting without authority. No person who is not a registrant of the
17 land in question may erect the notices described in subsection (g) of Section 2 of this
18 act.

19 Sec. 8. Publication of registration provisions by Wildlife Resources
20 Commission. The Wildlife Resources Commission must in its general publications
21 concerning the laws and regulations pertaining to hunting give appropriate publicity to
22 the provisions of the act and need for hunters and weapons possessors to make the
23 inquiries set out in Section 4.

24 Sec. 9. General provisions pertaining to enforcement of act.

25 (a) If land is registered, the original or a true copy of the application and all
26 supporting items are admissible in evidence. The registrant's affidavit respecting the
27 nature of his possessory interest in the tract of land registered constitutes **prima facie**
28 evidence of the facts so asserted. The description filed with the application constitutes
29 **prima facie** evidence of the boundaries of the registered land.

30 (b) If an individual hunts or possesses a weapon on any registered land or on
31 any abutting portion of highway, or if an individual enters registered land to hunt or
32 while in possession of a weapon, any possessor of that land, any agent of the possessor,
33 any wildlife protector, or any law enforcement officer may request that the individual
34 produce a valid entry permit. It is unlawful for any such individual to refuse to exhibit
35 an entry permit.

36 (c) It is the duty of the sheriff, wildlife protectors, and all law enforcement
37 officers with general enforcement jurisdiction to investigate reported violations of this
38 act and to initiate prosecutions when they determine that violations have occurred.

39 (d) Any officer who determines that a violation of this act has occurred
40 should initiate a prosecution by issuing a citation or seeking the issuance of a criminal
41 summons unless he has reason to believe that the violator will not appear in court on the
42 appointed date.

1 (e) Unless a different punishment is elsewhere provided under this act, a
2 violation of any provision of this act is a misdemeanor punishable by a fine not to
3 exceed fifty dollars (\$50.00) or imprisonment not to exceed 30 days.

4 Sec. 10. This act applies only to Warren County.

5 Sec. 11. This act shall become effective July 1, 1990.