



NCRPA
P.O. Box 4116
Pinehurst, NC 28374

Affiliated with:
The National Rifle Association (NRA)
Civilian Marksmanship Program (CMP)

January 6, 2020

Mr. Hal Johnson
Randolph County Manager
Randolph County Office Building
2nd Floor
725 McDowell Road
Asheboro, NC 27205

Dear Mr. Johnson:

We have been alerted by NC shooting rights colleagues that a Randolph County Planning and Zoning Committee has recently demanded, in a letter, that the Triad Action Shooting Klub (TASK) in Randolph County must "cease" its operations, and vacate its property. The letter also threatens TASK with a \$500/day fine.

On behalf of our North Carolina Rifle and Pistol Association (NCRPA) members who live within Randolph County, and in support of the North Carolina firearms-owning public, we are writing to alert you that we believe these proposed Randolph County actions both clearly violate NC state statutes, and run afoul of NC constitutional and federal constitutional law.

According to the North Carolina's Sport Shooting Range Protection statute:

(e) A sport shooting range that is operated and is not in violation of existing law at the time of the enactment of an ordinance shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance, provided there has been no substantial change in use. N.C. Gen. Stat. § 14-409.46. (see attached Exhibit A).

Additionally, as a state actor, Randolph County must not violate, or threaten to violate, our members' and the shooting public's constitutional rights. In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the United States Supreme Court held that lawful, individual civilian use of firearms that are currently in common use is a constitutionally-protected activity, not to be prevented or usurped by the federal government. The U.S. Supreme Court applied those *Heller* requirements to the states (including county governments) in *McDonald v. Chicago*, 561 U.S. 742 (2010).

In *McDonald v. Chicago*, the U.S. Supreme Court stated:

We have previously held that most of the provisions of the Bill of Rights apply with full force to both the Federal Government and the States. Applying the standard that is well established in our case law, we hold that the Second Amendment right is fully applicable to the states...

...In sum, it is clear that the Framers and ratifiers of the Fourteenth Amendment counted the right to keep and bear arms among those fundamental rights necessary to our system of ordered liberty. *McDonald v. Chicago*, 561 U.S. 742 (2010).

We respectfully ask you to consult legal counsel well-versed in state firearms law, and state and federal constitutional law, before providing TASK with any additional enforcement or other actions. In addition, if your legal counsel determines Randolph County's actions are not legally supportable, we ask Randolph County to withdraw and rescind its current letter to TASK, and to issue TASK a new letter indicating that TASK will be able to continue its lawful and legally protected shooting facility activities.

As a courtesy, we would appreciate a letter from Randolph County's legal counsel to our organization, explaining why it believes its actions related to TASK are lawful and enforceable under both North Carolina and federal law.

Thank you for your assistance.

Sincerely,

/s/Fred Edgecomb
President

/s/Vance R. Parker, JD, MBA
Secretary

North Carolina Rifle and Pistol Association

EXHIBIT A
N.C. Gen. Stat. § 14-409.46

§ 14-409.46. Sport shooting range protection.

(a) Notwithstanding any other provision of law, a person who owns, operates, or uses a sport shooting range in this State shall not be subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time the range began operation.

(b) A person who owns, operates, or uses a sport shooting range is not subject to an action for nuisance on the basis of noise or noise pollution, and a State court shall not enjoin the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time the range began operation.

(c) Rules adopted by any State department or agency for limiting levels of noise in terms of decibel level that may occur in the outdoor atmosphere shall not apply to a sport shooting range that was in operation prior to the adoption of the rule.

(d) A person who acquires title to real property adversely affected by the use of property with a permanently located and improved sport shooting range constructed and initially operated prior to the time the person acquires title shall not maintain a nuisance action on the basis of noise or noise pollution against the person who owns the range to restrain, enjoin, or impede the use of the range. If there is a substantial change in use of the range after the person acquires title, the person may maintain a nuisance action if the action is brought within one year of the date of a substantial change in use. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

(e) A sport shooting range that is operated and is not in violation of existing law at the time of the enactment of an ordinance shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance, provided there has been no substantial change in use. (1997-465, s. 1; 2015-195, s. 5(a).)