

**EXPLOSIVES DETONATION ORDINANCE
OF
HARNETT COUNTY, NORTH CAROLINA**



Harnett County Board Of Commissioners

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Section 1 Title

This Ordinance shall be known and cited as the “Harnett County Explosives Detonation Ordinance” (hereinafter referred to as “Ordinance”).

Section 2 Purpose

The purpose of this Ordinance is to implement standards for the detonation of explosives that may cause injury, death or damage to personal property, whereas preserving the personal freedom to engage in such activities, while promoting public health, safety, welfare, comfort and prosperity of the citizens of Harnett County.

Section 3 Authority and Enactment

The Board of Commissioners of the County of Harnett, pursuant to the authority conferred by the General Assembly of the State of North Carolina in General Statutes Chapter 153A – 128 hereby ordains and enacts into law this Ordinance.

Section 4 Jurisdiction

Under the authority granted by North Carolina General Statute 153A-122, the county is hereby authorized to enact this Ordinance within the rural areas of the county and outside and beyond the corporate limits of any municipality of Harnett County.

Section 5 Severability

If any section of specific provision or standard of this Ordinance is found by a court to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this Ordinance.

Section 6 Conflict with Other Laws

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing provisions of any other ordinances or laws. However, if the requirements of any other lawfully adopted rules, regulations, or ordinances of the County of Harnett conflict with this Ordinance, the more restrictive or that imposing the higher standards will govern.

Section 7 Amendment

This Ordinance may be amended from time to time by the Board of Commissioners of the County of Harnett on its own motion or on petition and after public notice and hearing.

Section 8 Definitions

Detonate

Any action that will cause an explosive material or device to explode.

Discharge

To eject or release a projectile or object by a sudden release of tension or pressure.

Encapsulate

To enclose within an object or outer shell for the purpose of containment.

Exploding Target

A device that is utilized for the purpose of shot confirmation. This type of target is typically comprised of chemicals or materials that react in an explosive manner once impacted by a projectile or a detonating device.

Explosion

The sudden, loud, and violent release of energy that happens when something breaks apart in a way that sends parts flying outward.

Explosive

A material or combination of materials that have a likelihood of erupting in a violent manner creating an explosion.

Permanent Building

A building which is built, constructed, used or intended to support and/or shelter any use or occupancy that is attached to real property by means of permanent foundation, plumbing or electrical connection and is required to obtain a permit and undergo an inspection process in accordance with the North Carolina State Building Code.

Public Gathering Places

Locations that are subject to the assembly of a group of individuals for a uniform purpose. The following shall be considered as *Public Gathering Places*: Schools, Churches, Daycares, Parks, Playgrounds, Recreational Areas, Nursing Homes, Hospitals, Family Care / Group Homes, Governmental Buildings and Grounds.

Section 9 Explosives Restrictions

It shall be unlawful for any person to cause an explosion:

- A. Within fifteen hundred (1,500) feet as measured in a straight line from the point of detonation to the property line of any public gathering place ; or
- B. Without written consent of the owners or tenants of all residential dwellings or permanent buildings located within fifteen hundred (1,500) feet as measured in a straight line from the point of detonation; or
- C. Carelessly or heedlessly in wanton disregard for the safety of others; or
- D. 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; or
- E. In a manner resulting in projectiles or shrapnel leaving the property in which the detonation or explosion occurred ; or
- F. While under the influence of alcohol or a controlled substance (under the influence: determination by the investigating officer that the person is intoxicated by alcohol or a narcotic to the point where physical and mental faculties are appreciably diminished); or
- G. In the form of an exploding target when encapsulated therefore creating a projectile or shrapnel; or
- H. From the hours of sunset to sunrise.

Section 10 Exceptions

This Ordinance shall not be construed to rescind any of the state wildlife laws of North Carolina nor shall it be construed to prohibit the following:

- A. Officers and enlisted personnel of the armed forces of the United States while in the performance of their official duties and acting under orders requiring them to carry arms, weapons or explosives.
- B. Civil officers of the United States while in the performance of their official duties.
- C. Officers of the state or of any county, city, or town charged with the execution of the laws of the state when acting in the performance of their official duties.

- D. The detonation of an explosive at a properly permitted and approved firing range or facility operating as such prior to the adoption of this Ordinance.
- E. The performance of an historical ceremony or commemorative functions that are conducted involving the discharge of firearms or detonation of explosives that do not involve the release of projectiles.
- F. Any individual, group or company that possess a valid permit and is operating under all Federal, State and Local guidelines prescribed for such use.
- G. The use of pyrotechnics or fireworks meeting exempt specifications as referenced in North Carolina General Statutes.

Section 11 Violations and Penalty

Each violation of this Ordinance shall constitute a Class 3 misdemeanor and any person convicted of the same shall be fined not more than five hundred (\$500.00) dollars and/or imprisonment not exceeding thirty (30) days. A violation of this Ordinance may be enforced by an appropriate, equitable remedy, including injunction and order of abatement issued from a court of competent jurisdiction in accordance with North Carolina General Statute 153A-123. Furthermore, a violation may cause a civil penalty to be recovered by Harnett County in a civil action in the nature of a debt. Each day's continuing violation of this Ordinance shall constitute a separate and distinct offense.

Section 12 Effective Date

This Ordinance shall take effect and be in force upon adoption.

Duly adopted this 16th day of March, 2015.

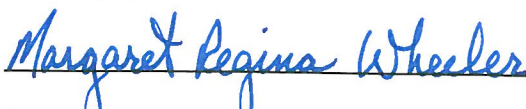


HARNETT COUNTY BOARD OF COMMISSIONERS



Jim Burgin, Chairman

ATTEST:



Margaret Gina Wheeler, Clerk to the Board