

Called Meeting
September 8, 2023, 6:00pm
Minutes
Union County Courthouse

The meeting was called to order by Commissioner Lamar Paris at 6:00 pm.

Commissioner Paris stated the purpose of this meeting was to approve Resolution R-2023-28 to adopt an emergency moratorium on the construction of commercial firing range facilities. The Commissioner asked William Mercer, Assistant County Attorney, to read the moratorium.

Mr. Mercer read the moratorium as follows:

A Resolution of the Commissioner of Union County for the purpose of adopting an emergency moratorium on the construction of Commercial Firing Range Facilities and adopted at the Special Called Meeting of the Commissioner of Union County held on the 8th day of September 2023.

WHEREAS, as provided in Article 9, Section 2, Paragraphs 1 and 3 of the Constitution of the State of Georgia, the County enjoys all home rule powers, police power, land development and governmental and supplemental powers necessary to conduct County government and perform County functions; and

WHEREAS, the County may exercise any power for County purposes, except as expressly prohibited by law; and

WHEREAS, the County has found that there is a need to address and create standards relating to the construction and locations of commercial firing range facilities; and

WHEREAS, the Commissioner and staff are in the process of evaluating standards and regulations and intend to present a proposed ordinance or ordinances relating to commercial firing range facilities within the County; and

WHEREAS, the County wishes to place the public and all parties on notice that it is considering such amendments and is hereby creating a temporary moratorium on the acceptance, processing, and consideration of applications for construction, development permits and building permits and any development approval concerning properties located within the County intending to construct a commercial firing range facility; and

WHEREAS, the County Commissioner in good faith determines that this Ordinance is in the best interest of Union County and its residents and promotes the health, safety and welfare of the public.

Mr. Mercer then asked for questions from those in attendance.

Question: Why is this moratorium being enacted?

Mercer: A lot of complaints. A lot of complaints from citizens and we don't have a commercial firing range ordinance here. Without a commercial firing range ordinance then any local cannot even bring a private nuisance claim. There have been a lot of people that have contacted the

Commissioner's Office and they have expressed a need. They want this in this county and that is what we are going to do. I think the ordinance is probably going to lay out times when these commercial activities can go on, how much land, buffers, elevations, stuff like that. Stuff to make it safe.

Question: So, this doesn't have anything to do with private, personal firing ranges or shooting activities?

Mercer: There is no law, Federal, State or County, that you could make to stop a private individual from shooting on their property. What you can have is a commercial firing range ordinance, and that is what this would be. It is for commercial firing ranges. So, if you are charging to have people shoot at your facility, you are going to be commercial. If you have a club with memberships for people to come shoot at your facility, you are going to be commercial.

Question: Is that happening currently in the county?

Mercer: Oh yeah, there are plenty of already existing commercial firing range facilities.

Question: So this is a moratorium on any new development..?

Mercer: Any new development of one until an ordinance can be put in place. To address your concern about private. If I want to go on my property, and I can follow the law - you can't shoot within 50 yards of a highway, that is state law. So, if I am following the law and not putting anyone in danger, I can shoot for 24 hours straight if I want to. There is nothing that is going to stop that.

Question: I guess the bullets have to stay on your property?

Mercer: Like I said, safely. If I am shooting into other people's property, that is probably not safe. But, if I am a professional target shooter, and I set up my own little stage, and I am not letting people come in and out and also not charging them to come in and out, there is no ordinance, state law, that can stop that.

Question: Do we know how many commercial facilities there are in Union County?

Mercer: Is there three? Don't quote me on that. I think there are three or four, but I am not sure.

Question: Do you know how many complaints that are coming in about these commercial firing ranges?

Mercer: I am not the one fielding the specific complaints. I just know there are complaints coming in, and worries coming in.

Questions: Are there any known new commercial firing ranges being proposed that you are aware of?

Mercer: Not that I am aware of. We have actually researched some that turned out that they have put on documents that they are private residences. So, not right now that I am aware of.

Question: During the course of the moratorium, establish an ordinance that will then govern the development of these because right now there is nothing?

Mercer: It would govern the development of and basically the hours of operation. It would also address any safety measures for the general public around these facilities. Obviously, if there is one that is already in business certain portions of a new ordinance are not going to apply to them because they would be grandfathered in. Other things would apply to them, like hours of operation, stuff like that.

Question: There have been several moratoriums in the last couple of years. Will this follow the same process, with drafts and public hearings?

Mercer: I think this one will be very quick. During the research on these things, this is basically in case people want to move in and people want to build stuff. That is perfectly fine. We just need an ordinance in place that says here is how you are going to do it safely, here is what is required to make sure the general public is safe. This is going to be 120 days. That is how long the moratorium lasts, which is less than the last three or four we have done. Typically, they were 180 days and some got extended. I think this will be wrapped up in 120 days.

Question: Union County is a 2nd Amendment Sanctuary County. Will this affect that?

Mercer: This does not affect any private gun rights. This does not affect in any way where a private citizen can shoot on their private land. This does not affect hunting in any way. This does not affect any already existing facility. It does not affect setting up targets on your own property and shooting as much as you want to. You just have to do it safely. Within the state and federal law.

Question: The complaints have been geared toward safety concerns? Noise? Anything like that.

Mercer: All of the above. Safety, noise, proximity, all kinds of things.

Question: I heard about some shooting activity off of Richard Russell, is that ringing any bells.

Mercer: Which one was that?

Questioner: I am not sure, I just heard that there might have been some kind of shooting establishment off of Richard Russell that was maybe raising some concerns.

Commissioner Paris approached the podium and stated that people have expressed some concerns about something they may think is a firing range. When things like that come up, like the short-term rental issues, it causes the county to think about the need for an ordinance. If anyone does one and it is a commercial operation there will be guidelines. The county and the State through the DNR is building a gun range so people have a place to go and shoot safely and do not bother their neighbors. That was the whole goal in setting up the county gun range on Highway 180 that we hope will be complete in the next three to five months. Then when other people suggested someone else was doing something it was looked into. There are not any records that indicate anyone is setting something up, other than someone driving by and saying it could be something. Concerned citizens then call the county and they look into it. In this case,

there is no building permit and nothing in the records indicating this was going to be a commercial range. This raised awareness that this might be a good time to create an ordinance that does not intrude on any second amendment rights. It would apply to commercial firing ranges. If there are commercial firing ranges, then there are guidelines that a county can do to make sure it is governed and looked after.

Mercer clarified that particular place was looked into. There are multiple government documents that said it was going to be a single family dwelling. There are even places where they would have applied for commercial use, and they didn't. So, he stated he does not foresee any commercial facility going in.

Question: What is the county range going to be designated as? Just a public range.

Commissioner: Yes, it will be a public rifle and pistol range. It will be supervised all the time, when anyone is out there. It will be open to the Gun Club and the public as well.

I hereby adopt Resolution R-2023-28 to adopt an emergency moratorium on the acceptance, processing, and consideration of any application and any development approval for a commercial firing range facility of any permit or approval for such for a period of 120-days, or until repealed by the adoption of new regulations or ordinances. There shall be no exceptions for such like and kind during this period. This moratorium is to be effective at 7:00 pm today, September 8, 2023, the public health, safety, and general welfare demanding.

There being no further business the meeting was adjourned at 5:16 pm.

Respectfully submitted by:



Jennifer Mahan, County Clerk

Approved this 21st day of September, 2023



Lamar Paris, Commissioner