ORDINANCE NO. 32

ORDINANCE REGULATING HUNTING AND FISHING ON PRIVATE LANDS WITHOUT WRITTEN PERMISSION OF OWNER

WHEREAS, the County of Caswell is authorized to adopt an ordinance regulating hunting and fishing on private lands without the written permission of the owner pursuant to amendment of Section 2 of Chapter 651 of the 1989 Sessions Laws of North Carolina (Senate Bill 575 of the General Assembly of North Carolina Session 1991); and

WHEREAS, a problem has developed within the County of Caswell of individuals hunting and fishing on lands of others against the wishes of the owners, agents or leasees of the property.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CASWELL DOTH ORDAIN:

1. It shall be and is hereby made unlawful to enter upon private lands of another to hunt or fish or with the intent to hunt or fish without valid written permission of the owner, agent or leasee of said land.

2. This Ordinance shall be effective only upon lands which are posted in accordance with N.C.G.S. 14-159.7 which states that notices, signs, or posters shall measure not less than 120 square inches and shall be conspicuously posted on private land not more than 200 yards apart, close to and along the boundaries. At least one such notice, sign, or poster shall be posted on each side of such land and one at each corner thereof provided that said corner can be reasonably ascertained. For the purpose of prohibiting fishing, or the taking of fish by any means, in any stream, lake or pond, it shall only be necessary that the signs, notices, or posters be posted along the stream or shoreline of a pond or lake at intervals of not more than 200 yards apart. The aforesaid notices, signs, or posters shall state the following language: "No Hunting and Fishing without written permission of the owner".

3. It shall be unlawful for any person to mutilate, destroy or take down any "posted", "no hunting and fishing", or similar notice, sign or poster on the private lands of another, without the consent of the owner, agent or leasee of the property and shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than $500.00.

4. The written permission required by paragraph "1" of this Ordinance shall state the date the permission is given, the person to whom the permission is given, and the owner, agent or leasee of the land. Further, such permission shall be valid for such specified time period up to one (1) year and purpose as stated therein by the owner, agent or leasee.

5. The written permission is required to be carried on the person at all times when the person enters the property of another to hunt or fish or with the intent to hunt or fish.

6. If permission is given to a Hunting Club to hunt by the owner, agent or leasee of the land, each member of the Hunting Club must carry a copy of the written permission along with a certification from the Hunting Club designating the person to be a member of said Hunting Club.

7. It shall be unlawful to hunt along the right-of-way of a State maintained road. The definition of right-of-way shall be a width at least 30' from center line on each side of the road or as a maximum as defined by the N.C. Department of Transportation.

8. Use of alcohol or drugs while hunting is a violation of this Ordinance.

9. That for the purposes of this Ordinance, definitions relating to activities of hunting and/or fishing shall be defined and interpreted as set out in N.C.G.S. Article 12, Sections 113-129 and 130, as if set out herein and such Sections are by express reference thereto incorporated herein as an integral part of this Ordinance.

10. Violation of this Ordinance is a misdemeanor and requires mandatory court appearance.

11. Upon conviction for violation of this Ordinance shall result in a fine of not less than $250.00 nor more than $500.00, or imprisonment not more than 30 days, or both fine and imprisonment, and/or the forfeiture of hunting or fishing privileges in Caswell County for a period of one year.

12. This Ordinance shall be enforceable by law enforcement officers of the Wildlife Resources Commission, by Sheriffs and Deputy Sheriffs, and by other peace officers with general subject matter jurisdiction.

This Ordinance shall be in full force and effect on or after the first day of October, 1991.

ADOPTED THIS THE 23rd DAY OF September, 1991.

Gordon G. Satterfield, Chairman
Caswell County Board of Commissioners

ATTEST:

Wanda P. Smith
Wanda P. Smith
Clerk to the Board

(SEAL)

Amendment to Ordinance No. 32

Ordinance Regulating Hunting and Fishing on Private Lands Without Written Permission of Owner

Ordinance No. 32 (adopted September 23, 1991) is hereby amended by modifying existing, like-numbered paragraphs as follows (new language in bold):

1. It shall be and is hereby made unlawful to enter upon private lands of another to hunt or fish or with the intent to hunt or fish **or run dogs to hunt** without valid written permission of the owner, agent or leasee of said land. **Each dog used for hunting shall have a collar with an individual owner's name and telephone number on it. Hunters shall not go upon private lands to retrieve their hunting dogs without first having the permission of the owner, owner's agent, or lessee of the land to do so.**

7. It shall be unlawful to hunt along the right-of-way of a State maintained road **or release dogs to hunt from the right-of-way**. The definition of right-of-way shall be a width at least 30' from center line on each side of the road or as a maximum as defined by the N.C. Department of Transportation.

ADOPTED THIS THE 21st day of March, 2005.

Nathaniel Hall

Nathaniel Hall, Chairman
Caswell County Board of Commissioners

ATTEST:

Wanda P. Smith

Wanda P. Smith
Clerk to the Board

(Seal)