

§ 113-300.34. (Effective December 1, 2026) Blind licenses; application; consideration; hearings; appeals; issuance.

(a) No blind shall be constructed or hunted from by any person unless such blind shall have been duly licensed.

(b) All applications for blind licenses shall be made in writing or in any other manner permitted by the Game Commission, including via online application on its website. The Game Commission shall establish a schedule of dates and times for when applications may be accepted for the following season at its hearing in August, and the Game Commission shall announce the schedule for the following season at its hearing in September and otherwise announce the schedule by posting the schedule on its website. Each application shall describe the exact proposed location of the blind by course and distance from a known natural monument susceptible of definite and exact location; the type of blind license applied for; and the name, age, and address of the applicant and the purpose for which the applicant intends to use the blind (for example, for personal use or as a guide). Each application shall also contain an oath by the applicant that the blind will be used personally by the applicant and the applicant's guests for hunting and will not be assigned or rented for a consideration unless the applicant is the guide accompanying the persons hunting. Every applicant for a blind license shall provide the Game Commission with a valid email address, and any notice that the clerk or the Game Commission is required to provide to any applicant at any time may be sent to the email address provided.

(c) All applications that have been filed during the period established by the Game Commission shall receive consideration by the Game Commission of Currituck County at a meeting to be held at 1:00 P.M. at the Currituck County Courthouse on the Thursday following the second Wednesday in August, at which time all applications for licenses submitted shall be passed upon and granted or refused. The Game Commission may, in its discretion, establish a late fee to be paid by any applicant who can establish just cause for a failure to file an application in a timely manner, and upon the payment of said late fee, the application may be accepted as timely. Any applicant whose application for a license is denied shall be notified immediately of the rejection of the application. It is the responsibility of each applicant to determine whether the application for a blind license has been approved or rejected and, if desired, to make a timely demand for a hearing under subsection (d) of this section upon rejection of the application.

(d) Any applicant who has been refused a hunting blind license, or any person objecting to the issuance of a license to another, shall by the third Wednesday in August following action on the license application notify the clerk to the Game Commission, in a manner prescribed by the Game Commission, which may include via mail or email to the clerk, of a demand for a public hearing before the Game Commission on the question of the issuance of the license, stating in detail the grounds for objection to the denial or granting of the license. The Game Commission shall conduct a public hearing on all such demands for the purpose of finding facts, hearing the arguments and contentions of the parties, and judicially passing upon the question on the first Wednesday in September of each year. The hearing shall be held at the Currituck County Courthouse and shall convene at 7:00 P.M. If a person objecting to the issuance of a license to another has demanded a hearing, the clerk to the Game Commission shall provide a notice of hearing to the person whose license application was granted by the Thursday following the fourth Wednesday in August.

(e) Within one week following the hearing provided by subsection (d) of this section, the clerk to the Game Commission shall file with the Clerk of Superior Court of Currituck County a listing of all blind licenses issued without contest, all licenses issued following a hearing on the matter, all license applications denied without contest, and all license applications denied following the hearing. The listing for each action taken only after a contest in the hearing shall briefly set out the Game Commission's findings of fact and the basis for the action taken on the license application. In addition, within one week following the hearing, the clerk to the Game

Commission shall provide notice of the decision of the Game Commission to (i) each party who appeared at the hearing on the issue in question and (ii) each person who, according to the records of the Game Commission, will be directly affected by the decision of the Game Commission at the hearing. It is the responsibility of each party to the hearing to determine the decision of the Game Commission affecting that party.

(f) Any party to the hearing provided by subsection (d) of this section who is aggrieved by the decision of the Game Commission may appeal the decision to the District Court Division of the General Court of Justice sitting in Currituck County, where the matter shall be heard de novo by a district court judge sitting without a jury. The aggrieved party shall file written notice of appeal with the office of the Clerk of Superior Court of Currituck County explicitly stating the grounds for the party's objection to the decision of the Game Commission and the relief sought. The aggrieved party shall style the notice of appeal in a manner to identify the issue to be litigated, such as "In the Matter of a License for a Stationary Bush Blind Located at (give location)." Filing notice of appeal shall suspend the decision taken by the Game Commission pending resolution of the question by the district court, except that right to appeal is barred by a failure to do either of the following:

- (1) File the notice of appeal with the clerk of superior court by the third Wednesday in September.
- (2) Perfect the appeal in accordance with subsection (g) of this section within 10 days after filing the notice of appeal.

(g) After filing notice of appeal, the aggrieved party shall perfect the appeal by paying the costs of the appeal to the Clerk of Superior Court of Currituck County and by serving a copy of the notice of appeal upon the clerk to the Game Commission and upon each person who is shown by the records of the Game Commission to have been entitled to notice of the decision of the Game Commission with respect to the issue in question under the terms of subsection (e) of this section. The clerk to the Game Commission shall upon request furnish the appealing party the names and addresses of the persons entitled to the notice. Service shall be in accordance with G.S. 1A-1, Rule 4.

(h) Any person served with the notice of appeal under subsection (g) of this section may become a party in the appeal proceeding before the district court judge by notifying the Clerk of Superior Court of Currituck County within seven days after service of the notice of appeal upon that person. Any other person aggrieved by the decision of the Game Commission may petition to become a party by filing a motion to intervene as provided in G.S. 1A-1, Rule 24.

(i) The responsible judicial official in the district court division of the First Judicial District shall schedule the hearing upon an appeal as expeditiously as possible after the appeal is perfected, but it may not be scheduled until the fourth Wednesday in September or, if later, seven days after service of the notice of appeal upon the clerk to the Game Commission and all other persons required to be served with notice of appeal under subsection (g) of this section. If any aggrieved party fails to appear at any scheduled appeal proceeding, the party's appeal shall be dismissed.

(j) Upon the appeal, the Game Commission shall be a party and shall be represented by one or more of the members of the Game Commission. In addition, the clerk to the Game Commission and its attorney, surveyor, and others who have acted for or on behalf of the Game Commission may testify to facts in issue upon the appeal of which they have knowledge and to the Game Commission's findings and criteria that apply to the matter in issue. The Game Commission shall furnish the court with relevant records and exhibits bearing upon the matter in issue and the decision it made.

(k) In determining whether to grant or deny a blind license to any applicant, to modify the terms of a license, or otherwise to decide any matter in issue upon appeal, the district court judge shall follow the criteria in this Article and established by regulations and guidelines of the Game Commission.

Commission, to the extent that they are reasonable and in conformity with the policies of this Article. After the district court judge's decision, the judge may implement the ruling with appropriate orders to the Game Commission concerning issuance of the blind license, rejection or modification of the application, and any other matters in issue upon the appeal.

(l) The clerk to the Game Commission shall begin issuance of blind licenses as soon as feasible for those licenses as to which there is no contest; and, as to each license contested under subsection (d) of this section or by further appeal to the district court, as soon as feasible after the proceedings with respect to each license have concluded. The license issued shall carry a number designation; name, age, and address of the licensee; and a description of the location of the blind by course and distance as set out in the approved application. The license may be provided in any format approved by the Game Commission, including digitally. (2026-57, s. 2(a).)