

**ORDINANCE AMENDING ARTICLE II OF CHAPTER 17 OF THE
DURHAM COUNTY CODE OF ORDINANCES
OFFENSES INVOLVING FIREARMS AND OTHER WEAPONS**

WHEREAS, Chapter 1115 of the 1951 North Carolina Session Laws authorizes the Board of County Commissioners of Durham County to “regulate, control, restrict, and prohibit the use and discharge or any and all firearms of every kind, nature, make and description outside the incorporated limits of any municipality in Durham County”; and

WHEREAS, G.S. 153A-121 allows a County, by ordinance to define, regulate, prohibit, or abate, acts, omissions, or conditions detrimental to the safety or welfare of its citizens; and

WHEREAS, in 1993, the Board of County Commissioners adopted Article II of Chapter 17 of the Durham County code of Ordinances, to regulate and restrict the use of firearms and other weapons within Durham County, which ordinance has been amended over the years; and

WHEREAS, G.S. 14-409.40, allows a County, by ordinance, to prohibit the possession of firearms in public-owned buildings, on the grounds or parking areas of those buildings, or in public parks or recreation areas; and,

WHEREAS, G.S. 14-415.23 allows a County, by ordinance, to prohibit the possession of concealed weapons in County buildings and recreational facilities, and their appurtenant premises; and,

WHEREAS, the Board of County Commissioners wishes to amend Article II of Chapter 17 in recognition of changes in the laws of North Carolina and conditions in Durham which have occurred since it was first adopted, and to address concerns of public safety; and,

WHEREAS, the purpose of this Ordinance is to protect the public safety by regulating the discharge of weapons within the unincorporated areas of Durham County, and the possession of weapons on County property;

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

1. That Durham County Code of Ordinances Chapter 17, Article II – Offenses Involving Firearms and Other Weapons, which was adopted in 1993, and subsequent amendments thereto, is hereby repealed in its entirety and replaced with the following:

Secs. 17-31-1750. -Reserved

Sec. 17-51 Intent.

The Board of Commissioners has determined that the health and safety of its citizens requires certain restrictions be placed on the discharge of firearms and airguns and on the possession and display of weapons on county owned and controlled property. This is in recognition of the fact that each person discharging a firearm is responsible for exhibiting reasonable regard for the safety and property of other persons and for discharging the firearm in such a manner as to assure that all projectiles come to rest

safely within the boundary or boundaries of the property or properties on which the person is authorized to be shooting.

Sec. 17-52. Jurisdiction.

This Ordinance shall apply to all County property, wherever located, and to all unincorporated areas of Durham County.

Sec. 17-53. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Airgun is defined as any weapon that discharges a projectile or cluster of shot by the use of mechanical spring, compressed air or compressed gas, and shall include BB and pellet rifles, pistols and revolvers.

County property is defined as any building owned by the county or that portion of privately owned property leased by or under the legal possession and control of the county for the transaction of the activities of the county and the appurtenant premises to such a building, to include parking lots and decks. The term also includes the Durham County Memorial Stadium and its appurtenant premises.

Firearm is defined as any weapon or similar instrument that discharges a projectile or cluster of shot by the use of exploding gunpowder and shall include rifles, shotguns, pistols and revolvers.

Sec. 17-54. Prohibited discharge of weapons near other property.

It shall be unlawful for any person to discharge a firearm or airgun within 900 feet of the property or boundary line of any of the following:

- (a) A dwelling house;
- (b) A school;
- (c) A church or religious institution;
- (d) Any other type of building, while occupied;
- (e) A public or private park or recreation area;
- (f) Any other type of public gathering place.

Sec. 17-55. Prohibition on possession of weapons on County property

Except for law enforcement officers, members of the national guard, members of the armed forces, or a county employed security agency, or as permitted by state law, it shall be unlawful for any person to possess or display a firearm or airgun at any time on County property.

Except for law enforcement officers, members of the national guard, members of the armed forces, or a county employed security agency it shall be unlawful for any person to display a firearm or airgun at any time in County parks and recreation areas.

Sec. 17-56. Prohibition of discharge of weapons over roads, sidewalks, and public vehicular areas.

It shall be unlawful for any person to discharge a firearm or airgun in such a way as will result in the projectile therefrom passing across a sidewalk, or across a highway, street, or other public vehicular area.

Sec. 17-57. Restrictions on discharge of weapons near livestock.

It shall be unlawful for any person to discharge a firearm or airgun within 900 feet of any domestic livestock not belonging to him unless such person has on his person written permission for such activity from the owner of the livestock.

Sec. 17-58. Discharge of weapons by minors restricted.

It shall be unlawful for any person, being a parent or guardian of, or standing in loco parentis to, any child under twelve (12) years of age, to permit such child to have possession or custody of, or use in any manner whatsoever, any firearm, whether such firearm is loaded or is not loaded without direct, active adult supervision of the child at all times the child is holding the firearm. It shall be unlawful for any person being a parent or guardian of, or standing in loco parentis to, any child between twelve (12) years of age and fifteen (15) years of age, to permit such child to discharge a firearm without direct, active adult supervision of the child at all times the child is firing the firearm.

Sec. 17-59. Exemptions.

Section 17-54 of this Ordinance shall not apply to any of the following:

- (a) A person discharging a shotgun with any type of shot or load except "slugs," provided that the shooter is 500 feet or more from any of the types of places or structures listed in Section 17-53(a) - (f).
- (b) A rifle, pistol, skeet or trap range, operated by a law enforcement agency, which firing range is substantially in accordance with specifications promulgated by the National Rifle Association or by an equivalent nationally recognized firearms safety authority for the type and caliber of firearms being fired;
- (c) a person target shooting on his own property (or on another's property if he has on his person written permission for the activity from the owner of the property) exhibiting reasonable regard for the safety and property of other persons (i) if such person is using a backstop substantially in accordance with specifications promulgated by the National Rifle Association or any equivalent nationally recognized firearms safety organization for the type and caliber of firearms being fired, and (ii) if such person has on his person written permission for such activity from all persons owning any of the types of places or structures listed in Section 17-54(a) - (f) which are located within 900 feet of the target shooting activity;

- (d) a person hunting on his own property (or on another's property if he has on his person written permission for the activity from the owner of the property) exhibiting reasonable regard for the safety and property of other persons if such person has on his person written permission for such activity from all persons owning any of the types of places or structures listed in Section 17-54(a) - (f) which are located within 900 feet of the hunting activity;
- (e) law enforcement officers, members of the national guard, members of the armed forces, or a county employed security agency discharging firearms in the line of duty;
- (f) persons discharging firearms for the purpose of shooting or killing any dangerous animal or reptile;
- (g) person discharging a firearm in self-defense;
- (h) firing ranges regulated by the Unified Development Ordinance (UDO).

Sec. 17-60. Posting of signs.

The County Manager is hereby ordered to post appropriate signage on each park, parking lot or deck, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by the county, as well as the appurtenant premises to such buildings, and the Durham County Memorial Stadium, indicating the prohibitions applicable therein.

Such signs shall be visibly posted on the exterior of each entrance by which the general public can access the county owned building, appurtenant premise, parking lot or deck, park, and the Durham County Memorial Stadium. The County Manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the county owned building, appurtenant premise or park.

Sec. 17-61. Penalty

The violation of any provision of this Ordinance declaring certain actions to be unlawful shall be a misdemeanor and may be punishable upon conviction as provided in Sec. 1-6.

Sec. 17-62. Severability.

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and that if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, as the same would have been enacted by the Board without incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

Secs. 17-63-120. -Reserved.

2. This Ordinance shall be effective upon its adoption.

Approved by the Durham County Board of Commissioners by Ordinance this _____ day
of _____, 2019.

SIGNED: _____
Wendy Jacobs, Chairperson
Durham County Board of Commissioners