

AN ORDINANCE REGULATING
THE DISCHARGE OF FIREARMS
DURING NON-HUNTING ACTIVITIES
IN LENOIR COUNTY

WHEREAS, state law prohibits criminally negligent hunting pursuant to North Carolina General Statute 113-290; and

WHEREAS, citizens of Lenoir County have reported to the Board of Commissioners that there is also a need to regulate the negligent discharge of firearms in Lenoir County during non-hunting activities as well; and

WHEREAS, N.C.G.S. 153A-129 authorizes the County to “regulate, restrict, or prohibit the discharge of firearms at any time or any place except when used to take birds or animals pursuant to Chapter 113, Subchapter III, when used in defense of person or property, or when used pursuant to lawful directions of law enforcement officers,” and;

WHEREAS, the Lenoir County Board of Commissioners believes it to be in the best interest of the citizens of Lenoir County that limitations on the discharge of firearms are necessary for the safety and protection of the citizenry, and for the protection of the use of their property without fear of stray bullets crossing over their property;

NOW, THEREFORE, be it ordained by the Lenoir County Board of Commissioners as follows:

Section 1. Authority

This part is enacted pursuant to the authority of N.C.G.S. 153A-129. This Part shall be interpreted in accordance with any sections of the North Carolina General Statutes which, by their terms, limit the authority of the County to regulate the discharge of firearms.

Section 2. Firearm

Firearm as defined herein shall mean any handgun, shotgun or rifle which expels a projectile by action of an explosion.

Section 3. Restrictions

(a) It is unlawful for any person to discharge a firearm:

- (1) Within five hundred (500) feet of a school, church, daycare, playground, park, recreation area, or other type of public gathering place; or

- (2) Carelessly or heedlessly in wanton disregard for the safety of others;
or
 - (3) 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.
- (b) It is unlawful for any person to discharge a firearm on the property of another without their permission.
- (c) It is unlawful to discharge a firearm in any manner which actually results in the projectile leaving the property on which it is fired.
- (d) This section shall not be construed as prohibiting discharge of a firearm when used:
 - (1) In lawful defense of person or property;
 - (2) To lawfully take birds or animals where authorized by the North Carolina General Statutes and other applicable laws;
 - (3) Pursuant to lawful directions of law enforcement officers;
 - (4) By law enforcement officers acting in the line of duty or during official law enforcement related training;
 - (5) By members of the armed forces acting in the line of duty;
 - (6) At historical ceremonial or commemoration functions held for such purpose provided in no event shall live ammunition be used or discharged; or
 - (7) At school sanctioned instructional or recreational activities intended to further the use of safe firearms practices.

Section 4: Violations and Penalties

- (a) Any person violating any provision of this part shall be guilty of a misdemeanor and subject to a fine of not more than \$500 and/or imprisonment for not more than thirty (30) days. Violators may be subject to a civil penalty of \$500 per violation to be recovered in the nature of debt if not paid within (30) days.
- (b) In addition to the provisions of (a) of this section, the county may enforce this ordinance by any one or more of the remedies authorized by G.S. 153A-123.