



MECKLENBURG COUNTY FIREARMS ORDINANCE

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MECKLENBURG COUNTY FIREARMS ORDINANCE

WHEREAS, Chapter 1052 of the 1955 North Carolina Session Laws authorizes the Board of County Commissioners of Mecklenburg County to adopt ordinances "governing the indiscriminate shooting of firearms around or about residences, settlements or thickly-populated areas of Mecklenburg 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, the purpose of this Ordinance is to protect the public safety by regulating the indiscriminate shooting of firearms within the unincorporated areas of Mecklenburg County; now, therefore,

BE IT ORDAINED by the Board of Commissioners of Mecklenburg County:

SECTION 1. 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.

SECTION 2. Except as provided in Section 7, it shall be unlawful for any person to discharge a firearm within 900 feet of any of the following:

- (a) A dwelling house;
- (b) A school;
- (c) A church;
- (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.

SECTION 3. It shall be unlawful for any person to discharge a firearm 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.

SECTION 4. It shall be unlawful for any person to discharge a firearm 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.

SECTION 5. 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 unless that child has passed a Hunter Safety Course or similarly recognized course in firearms safety.

SECTION 6. It shall be unlawful for any person to fire any firearm in a fully automatic mode except on a firing range operated by a recognized gun club or 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 firing of a fully automatic firearm of the type and caliber being fired. Such person firing a firearm in a fully automatic mode must have on his person the necessary documentation showing that the firearm is properly registered with the federal government and that the person has the proper federal license to possess such firearm.

SECTION 7. Section 2 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 2(a) - (f).
- (b) A rifle, pistol, skeet or trap range, operated by a recognized gun club or 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, except as provided in Section 6 above;
- (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 2(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 2(a) - (f) which are located within 900 feet of the hunting activity;
- (e) law enforcement officers or members of the armed forces discharging firearms in the line of duty (provided that Section 1 of this Ordinance shall also not apply to such an activity);
- (f) persons discharging firearms for the purpose of shooting or killing any dangerous animal or reptile;
- (g) person discharging a firearm in self-defense (provided that Section 1 of this Ordinance shall also not apply to such an activity).

SECTION 8. The provisions of this Ordinance shall apply to all persons engaged in hunting as regulated by Subchapter III of Chapter 113 of the North Carolina General Statutes, or similar successor statutes.

SECTION 9. The term "firearm" is defined as any weapon or similar instrument from which shot, shells, bullets, or similar projectiles are discharged by means of the explosion of gunpowder.

SECTION 10. The violation of any provision of this Ordinance shall be a misdemeanor and may be punishable by a fine of not more than FIFTY DOLLARS (\$50.00) or imprisonment for not more than THIRTY (30) days.

SECTION 11. North Carolina Wildlife officers (Wildlife Protectors) are authorized to enforce the provisions of this Ordinance.

SECTION 12. 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.

SECTION 13. This Ordinance shall apply to all unincorporated areas of Mecklenburg County.

SECTION 14. The "Resolution Relative to the Indiscriminate Shooting of Firearms in Those Sections of Mecklenburg County Which Lie Outside of the City Limits of the City of Charlotte and Outside of the Town Limits of any Other City or Town in Said County" is hereby repealed.

SECTION 15. This Ordinance shall be effective upon its adoption except with respect to turkey shoots conducted during 1988 pursuant to Section 3134 of the Mecklenburg County Zoning Ordinance.

Adopted the 7th day of November, 1988.

Amended on the 5th day of December, 1988.

Amended on the 19th day of December, 1988.

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