



## DURHAM COUNTY FIREARMS ORDINANCE

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**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



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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**, the purpose of this Ordinance is to protect the public safety by regulating the indiscriminate shooting of firearms within the unincorporated areas of Durham County; now, therefore,

### **BE IT ORDAINED by the Board of Commissioners of Durham 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.** The term "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.

**SECTION 3.** The term "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.

**SECTION 4.** The term "County property" is defined as any property 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. This specifically includes any polling place occupied by and being used for the conduct of an election by the board of elections.

**SECTION 5.** Except as provided in Section 10, it shall be unlawful for any person to discharge a firearm or airgun 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;



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(f) Any other type of public gathering place.

**SECTION 6.** Except as provided in Section 10, it shall be unlawful for any person to possess or display a firearm at any time on county property.

**SECTION 7.** 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.

**SECTION 8.** 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.

**SECTION 9.** 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 10.** 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 11.** Section 5 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 5(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 10 above;



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- (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 5(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 5(a) - (f) which are located within 900 feet of the hunting activity;
- (e) law enforcement officers, members of the national guard, 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 12.** 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 13.** The County Manager is hereby ordered to post appropriate signage on each park, 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, indicating that all firearms are prohibited therein.

**SECTION 14.** 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, or park. 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.



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**SECTION 15.** 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 16.** North Carolina Wildlife officers (Wildlife Protectors) are authorized to enforce the provisions of this Ordinance.

**SECTION 17.** 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 18.** This Ordinance shall apply to all unincorporated areas of Durham County.

**SECTION 19.** Durham County Code of Ordinances Chapter 17 – Offenses and Miscellaneous Provisions is hereby repealed.

**SECTION 20.** This Ordinance shall be effective upon its adoption..



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