

RESOLUTION OF AMENDMENT

**A RESOLUTION AMENDING CHAPTER 24 OF THE ORANGE COUNTY CODE
OF ORDINANCES**

Be it Resolved and Ordained by the Board of Commissioners of Orange County, North Carolina:

WHEREAS, the State of North Carolina authorizes counties to regulate the discharge of firearms through North Carolina General Statute 153A-129; and

WHEREAS, the discharge of firearms is an inherently dangerous activity that can threaten the health, life, safety, and welfare of individuals in the vicinity of such discharge; and

WHEREAS, in order to protect the health, life, safety, and welfare of individuals engaged in the discharge of firearms and that of individuals located in and around areas in which firearms are discharged it is appropriate to establish regulations for the safe discharge of firearms; and

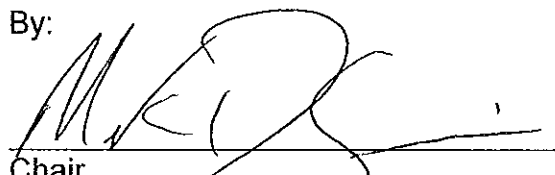
WHEREAS, the Orange County Board of Commissioners, believing it to be in the best interest of the citizens and residents of Orange County, hereby determines that Chapter 24 of the Orange County Code of Ordinances should be amended to regulate the discharge of firearms.

NOW THEREFORE BE IT RESOLVED AND ORDAINED, that the Code of Ordinances, Orange County, North Carolina, Chapter 24, is hereby amended by adding a section to be numbered 24-3, which section reads as shown in the attached revised ordinance to regulate the discharge of firearms in Orange County.

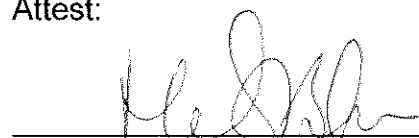
This Amendment shall become effective upon adoption.

Adopted by the Orange County Board of Commissioners this 5 day of November 2016.

By:


Chair
Orange County Board of Commissioners

Attest:


Donna Baker, Clerk to the Board



Section. 24-3.-Regulating the Discharge of Firearms.

(a) This Section is enacted pursuant to the authority of N.C.G.S. 153A-129. This Section 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.

(b) Firearm as referenced herein shall mean any handgun, shotgun, or rifle which expels a projectile by the ignition of gunpowder or by other explosive reaction.

(c) It is unlawful for any person to discharge a firearm except into a natural or constructed backstop adequate to stop the projectile. This subsection shall not apply to trapshooting, skeet shooting, and sporting clays when such activities are undertaken through use of a shotgun.

(d) It is unlawful for any person to discharge a firearm carelessly or heedlessly in disregard for the safety of others.

(e) It is unlawful for any person to discharge a firearm in any manner that causes the projectile to leave the property on which it is discharged. This subsection shall not apply when the person discharging the firearm has written permission for such activity from the person on whose property the projectile comes to rest. The document demonstrating written permission must be immediately available at the time of the discharge and shall be provided to any investigating officer.

(f) It is unlawful for any person to discharge a firearm after that person has consumed alcohol or any other impairing substance. As used in this paragraph, an impairing substance is defined in N.C. Gen. Stat. §20-4.01. A conforming alcohol screening device may be used to detect the presence of alcohol. A conforming alcohol screening device is any device listed in the National Highway Traffic Safety Administration's Conforming Products List of Evidential Breath Alcohol Measurement Devices as published in

the Federal Register and as that list may be amended from time to time. An investigating officer may ascertain the consumption of an impairing substance or any level of impairment in any lawful manner.

(g) Nothing in this Section shall be construed as prohibiting the discharge of a firearm:

(1) When used for lawful hunting activities pursuant to Chapter 113, Subchapter IV; or

(2) When used in defense of person or property; or

(3) When used pursuant to lawful directions of law-enforcement officers.

(h) A violator of this Section shall be guilty of a Class III misdemeanor punishable by a fine of up to five hundred dollars (\$500.00). A violation of this Section may subject the violator to a civil penalty of up to five hundred dollars (\$500.00). All assessed penalties may be recovered in any manner authorized by law and, if not paid within thirty (30) days, may be recovered in the nature of debt.