

Item Title: Amendments to the Wake County Code of Ordinances Chapter 130 Firearms (First Reading)

Specific Action Requested:

That the Board of Commissioners consider proposed amendments to the Wake County Code of Ordinances Chapter 130 Firearms and place the item on the November 9, 2022 Board of Commissioners agenda for a second reading.

Item Summary:

Purpose: The Board of Commissioners is required to consider adoption of amendments to the County's Code of Ordinances.

Background: In 1981, Wake County adopted an ordinance to establish regulations related to the discharge of firearms in unincorporated areas. Those regulations are codified in the Wake County Code of Ordinances Chapter 130 Firearms. The ordinance was last updated in 2001. Given tremendous population growth and urbanization in Wake County over the past two decades, updates to the ordinance should be considered in order to preserve and enhance public safety.

This item was discussed at several recent Board meetings. Each meeting provided an opportunity for the Board the discuss the proposed changes and/or hear from residents.

Public Safety Committee	August 22, 2022
Public Hearing	September 6, 2022
Listening Session	September 13, 2022
Special Work Session	September 19, 2022
Work Session	October 10, 2022

Pursuant to state law, this item requires two readings. If approved today, the item will be placed on the November 9, 2022, Board of Commissioners meeting agenda for a second reading.

Board Goal: This action supports Public Safety Goal 3: Provide sustainable, high quality public safety services to meet the community's current and future needs.

Fiscal Impact: This item has no fiscal impact to the County.

Additional Information:

At the October 10th Work Session, staff presented various amendment options to the Firearms Ordinance for the Board to consider. The amendments proposed herein emerged from that meeting and are highlighted as follows: minimum distance in which a firearm may be discharged from a dwelling, public building, or livestock; time of day when

a firearm may be discharged; backstop or method of containment for a projectile; and penalty for violation of the ordinance.

The amendments for consideration to the Wake County Code of Ordinances Chapter 130 Firearms are as follows:

1. Increase the minimum distance from a dwelling, public building or livestock in which a person may discharge a firearm from 100 yards to 300 yards.
2. Require a backstop that meets industry standards or at least meets the height and width standards specified in the ordinance.
3. Prohibit the discharge of a firearm beginning 10 p.m. until 7 a.m.
4. Increase the maximum fine for violation from \$50 to the statutory limit of \$500.

In addition to Wake County's local firearms ordinance, North Carolina General Statutes provides the following regulations:

1. Local jurisdictions cannot regulate the discharge of firearms when used for hunting animals or birds (NCGS §153A-129).
2. It is unlawful to willfully or wantonly discharge a firearm into an occupied dwelling, building or vehicle, and doing so may result in a Class C, D, or E felony. (NCGS §14-34.1).
3. Statutory limit for violation of a local ordinance is a Class 3 misdemeanor and a \$500 fine (NCGS §14-4).

As part of this ordinance amendment, staff will create a webpage to help residents understand the rules and provide resources such as a "landowner permission" form.

The proposed amendments are consistent with North Carolina General Statutes and comparable to other counties in North Carolina. They also enhance public safety in the unincorporated areas of the County and the growing adjacent urban areas.

Attachments:

1. Presentation
2. Text Amendment - County Code of Ordinances Chapter 130 Firearms
3. October 10, 2022 Work Session Presentation