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

Specific Action Requested:
That the Board of Commissioners holds a public hearing and considers adoption of amendments to the Wake County Code of Ordinances Chapter 130 Firearms and places the item on the September 19, 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 the August 22, 2022, Board of Commissioners' Public Safety Committee meeting. At the meeting, the committee discussed regulations within the current firearms ordinance in comparison to other North Carolina counties. The committee also considered recent concerns from residents.

The amendments to the ordinance proposed herein emerged from that meeting and are segmented into four areas to consider for change: 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.

Pursuant to state law, this item requires two readings. If approved today, the item will be placed on the September 19, 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:

In addition to Wake County's local firearms ordinance, North Carolina General Statutes provide three key regulations that must be recognized:

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).

It is important to understand that pursuant to NCGS §153A-129 (referenced above), a local ordinance may not regulate the discharge of firearms when used in hunting animals and birds, so Wake County Code of Ordinance Chapter 130 Firearms does not apply to hunting. Additionally, pursuant to NCGS §14-4 (referenced above), the penalty for violation of the local ordinance may not exceed the statutory limits of punishment as a Class 3 misdemeanor and/or $500 fine.

The amendments for consideration to the Wake County Code of Ordnances 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 or other method of containment that adequately contains the projectile on the property from which it was discharged.
3. Prohibit the discharge of a firearm beginning two hours after sunset until one hour before sunrise.
4. Increase the maximum fine for violation from $50 to the statutory limit of $500.

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