

Wake County Firearms Ordinance

September 6, 2022

Tim Maloney, Director, Planning Development and Inspections



@wakegov



wakegov.com

Two Ways We Regulate The Use Of Firearms

1 Private Use of Firearms

- County Code of Ordinances: Title XIII Chapter 130.
- Regulates the private use of firearms in County unincorporated area (includes ETJ).
- Enforced by Wake County Sheriff's Department.

2 Commercial Use of Firearms

- Wake County Unified Development Ordinance.
- Regulates the commercial use of firearms as it relates to zoning (ex: commercial firing range).
- Enforced by Wake County Planning.



We're talking
about this!

Background

- The current ordinance was established in 1981 and last updated in 2001.
- This item was discussed at the Board's August 22nd Public Safety Committee.
- The Committee discussed regulations within the current firearms ordinance in comparison to other North Carolina counties.
- The committee also considered concerns from residents.
- Pursuant to State law, public notification of today's hearing was posted in the News & Observer.

Wake County Firearms Ordinance

- No discharge on/from public street or highway
- No discharge within 100 yards (300') of a dwelling, public building, or livestock.
- The projectile may not leave the property from which it is lawfully discharged on.
- Penalty for violation is a class 3 misdemeanor and \$50 fine.
- There is no restriction on the time of day a firearm may be discharged.

State Law

- Local jurisdictions cannot regulate the discharge of firearms when used for hunting animals or birds (§153A-129).
- 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.(§14-34.1).
- Statutory limit for a violation is a class 3 misdemeanor and a \$500 fine (§14-4).

Resident Concerns

- The County receives several concerns a year.
- Concerns are related to safety and noise.
- Concerns are generally from established neighborhoods.
- Reports of incidents where projectiles are leaving the property from which it was discharged.
- Enforcement concerns between adjacent jurisdictions.

Our Regulations Compared To Others

County	Distance	Time of Day Restrictions	Backstop Requirement	Penalty***
Wake	300'	--	--	\$50
Durham	900'	--	Required**	\$500
Forsyth	300'	--	--	\$500
Johnston	--	Yes*	--	\$100
Mecklenburg	900'	--	Required**	\$50
Harnett	--	--	Required	\$500

*One hour before sunrise and two hours after sunset.

**The distance may be reduced if a backstop is used. Otherwise, the backstop is not required.

***All jurisdictions are a class 3 misdemeanor (criminal offense)

Proposed Amendments

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.

Staff Findings

The proposed amendments:

1. Align with other North Carolina county ordinances.
2. Address concerns expressed by residents.
3. Enhance public safety in response to the rapid growth and urbanization across Wake County.
4. Have no impact on the regulations or operations of the County's Firearms Education and Training Center (FETC).

Next Step

- The County will hold a listening session for this topic on Tuesday September 13, 2022, at the Knightdale Town Hall.
- This item will be placed on the September 19, 2022, Board of Commissioners meeting for a second reading and consideration of adoption.

Public Hearing



@wakegov



wakegov.com