

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

Specific Action Requested:

That the Board of Commissioners adopt proposed amendments to the Wake County Code of Ordinances Chapter 130 Firearms.

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.

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| 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. The Board conducted the first reading at their meeting on October 17, 2022 and voted to approve the proposed amendments.

The changes adopted herein will be effective on December 9, 2022.

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 budget.

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. Resolution