

ORDINANCE 2008-09
VILLAGE OF WESLEY CHAPEL
FIREARMS SAFETY ORDINANCE

WHEREAS, G.S. 160A-189 authorizes municipalities to regulate, restrict, or prohibit the discharge of firearms at any time or place within the boundaries of the municipality, and

WHEREAS, the purpose of this Ordinance is to protect the public safety by regulating the indiscriminate shooting of firearms within the corporate limits of the Village of Wesley Chapel,

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Wesley Chapel:

Section 1. DEFINITIONS

(A) "Firearm" Any weapon or similar instrument, including a handgun, center fire rifle, or rim fire rifle, from which shot, shells, bullets, or similar projectiles are discharged by means of the burning of gunpowder.

This does not include pellet, air, and BB guns, which nevertheless must be handled safely without endangering people or property.

(B) "Center Fire Rifle" A weapon with rifled bore using center fire ammunition.

(C) "Handgun" A firearm (as a revolver or pistol) designed to be held and fired with one hand.

(D) "Rim Fire Rifle" A weapon with rifled bore using rim fire ammunition.

Section 2. DISCHARGE OF FIREARMS GENERALLY

Except as provided in Section 3 of this Ordinance, it shall be unlawful for any person to discharge a firearm within the municipal limits of the Village of Wesley Chapel.

Section 3. EXCEPTIONS

This Ordinance shall not apply to the discharge of a firearm when it is used in the following situations:

(A) in exigent defense of persons or property

(B) by law enforcement officers in their official duties

- (C) shooting or killing any dangerous animal
- (D) an individual lawfully hunting or skeet/trap shooting with a shotgun on his/her own property (or on another's property with written permission from the property owner for the activity on his/her person at all times) exhibiting reasonable regard for the rights and safety of others and his/her neighbors' person and property if such person has written permission for such activity from all persons owning any of the following types of places or structures which are located within the following distances of the point of fire:
 - a. a dwelling house – 1,000 feet
 - b. the property line of land containing a school – 450 feet
 - c. the property line of land containing a church – 450 feet
 - d. any other type of building, while occupied – 1,000 feet
 - e. the property line of a public or private park or recreation area, Home Owner Association (HOA) common area or greenway - 450 feet
 - f. the property line of a field or pasture containing domestic livestock – 450 feet
 - g. the property line of any other type of public gathering place – 450 feet
- (E) Training hunting dogs using ammunition blanks provided shooting takes place at a minimum 150 feet from the property line during daylight hours only.

Section 4. CLEARLY MARKED PROPERTY LINES

Any person who owns property that is contiguous to an area identified by Section 3 (D) b., c., e., f., or g. who intends to hunt or shoot skeet/trap or allow others to do so must clearly mark their property line before hunting or shooting skeet/trap. He or she must also clearly mark a perimeter measuring 450 feet from his or her property line before hunting or shooting skeet/trap.

Any person who intends to train dogs using ammunition blanks, as provided in Section 3 (E), or who intends to allow others to do so must clearly mark their property line before training. He or she must also clearly mark a perimeter measuring 150 feet from his or her property line before training.

Section 5. FIREARMS USE BY CHILDREN

It shall be unlawful for any person, being a parent or guardian of, or standing in loco parentis to, any child under twelve (12) years of age, to permit such child to have possession or custody of, or use in any manner whatsoever, any firearm, whether such firearm is loaded or not, without direct, active adult supervision of the child at all times the child is holding the firearm.

It shall be unlawful for any person being a parent or guardian of, or standing in loco parentis to, any child between twelve (12) years of age and fifteen (15) years of age, to permit such child to discharge a firearm without direct, active adult supervision of the child at all times the child is

firing the firearm unless that child has passed a Hunter Safety Course or similar course in firearms safety approved by the NC Wildlife Commission.

Section 6. DISCHARGING FROM ROAD RIGHT OF WAY OR ACROSS PUBLIC VEHICULAR AREA

No firearm shall at any time be discharged from any road right of way or in such a way that it will result in any resultant projectile passing across a sidewalk, highway, street, or any other public vehicular area.

Section 7. ENFORCEMENT

The Union County Sheriff's Department, the North Carolina Wildlife Officers (Wildlife Protectors), and any other law enforcement officers with territorial and subject matter jurisdiction are authorized to enforce the provisions of this Ordinance.

Section 8. HUNTING REGULATED BY NC GENERAL STATUTES

The provisions of this Ordinance shall apply to all persons engaged in hunting as regulated by Subchapter III of Chapter 113 of the North Carolina General Statutes or similar successor statutes.

Section 9. PENALTIES AND REMEDIES FOR VIOLATIONS

- (A) The violation of any provision of this Ordinance shall be a Class A misdemeanor and may be punishable by a fine of between five hundred (\$500.00) and one thousand dollars (\$1,000), the revocation of the privilege to hunt within Village limits for one year, and/or imprisonment for not more than thirty (30) days. Repeat offenders shall incur an additional fine that will escalate by one hundred dollars (\$100.00) per offense, not to exceed the maximum fine of one thousand dollars (\$1,000.00).
- (B) This Ordinance may also be enforced by any appropriate equitable action which may be brought by the Village of Wesley Chapel or any person or entity owning any of the types of places or structures described in Section 3(D) of this Ordinance which are located within the specified distances listed in Section 3(D) of the point of fire of an activity which violates the provisions of this Ordinance.

Section 10. ORDINANCE PARTS SEVERABLE

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and that if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, as the same would have been enacted by the Council without incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

Section 11. EFFECTIVE DATE

This Ordinance shall be effective upon its adoption.

Adopted this the 16th Day of September, 2008.

CHERYL BENNETT, CLERK

TRACEY CLINTON, MAYOR