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Section 1 Title

This Ordinance shall be known and cited as the "Scotland County Firearms Discharge Ordinance" (hereinafter referred to as "Ordinance").

Section 2 Purpose

The purpose of this Ordinance is to implement standards for the discharge of firearms that may cause injury, death or damage to personal property, whereas preserving the personal freedom to engage in such activities, while promoting public health, safety, welfare, comfort and prosperity of the citizens of Scotland County.

Section 3 Authority and Enactment

The Board of Commissioners of the County of Scotland, pursuant to the authority conferred by the General Assembly of the State of North Carolina in General Statutes Chapter 153A- 129 hereby ordains and enacts into law this Ordinance.

Section 4 Jurisdiction

Under the authority granted by North Carolina General Statute 153A-122, the county is hereby authorized to enact this Ordinance within the rural areas of the county and outside and beyond the corporate limits of any municipality of Scotland County.

Section 5 Administration

The Sheriff of Scotland County, or his/her designee, shall be responsible for the administration and enforcement of this Ordinance.

Section 6 Severability

If any section of specific provision or standard of this Ordinance is found by a court to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of this Ordinance.

Section 7 Conflict with Other Laws

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing provisions of any other ordinances or laws. However, if the requirements of any other lawfully adopted rules, regulations, or ordinances of the County of Scotland conflict with this Ordinance, the more restrictive or that imposing the higher standards will govern.

Section 8 Amendment

This Ordinance may be amended from time to time by the Board of Commissioners of the County of Scotland on its own motion or on petition and after public notice and hearing.

Section 9 Definition**Firearm**

A handgun, shotgun, rifle, cannon or any device which is capable of expelling a projectile using an explosive charge as a propellant.

Section 10 Firearm Restrictions

It shall be unlawful for any person to discharge a firearm:

- A. Within five hundred (200) feet as measured in a straight line from the point of discharge to the property line of any:
 - (1) School
 - (2) Church
 - (3) Daycare
 - (4) Nursing home
- B. Within five hundred (100) feet as measured in a straight line from the point of discharge to the property line of any:
 - (1) Dwelling house
 - (2) Any other type of building, while occupied;
 - (3) A public or private park or recreation area;
 - (4) Any other type of public gathering place
 - (5) Any domestic livestock belonging to others without written permission from owner
- C. On a parcel of property that contains 20,000 sq. feet or less in overall dimension; or
- D. Carelessly and heedlessly, so as to endanger any person or property; or
- E. Without due caution or circumspection and in a manner so as to endanger any person or property and resulting in the unlawful property damage or bodily injury of another; or
- F. In a manner resulting in the projectile crossing the property line of another person without written permission of the owner; or
- G. While under the influence of alcohol or a controlled substance (under the influence: determination by the investigating officer that the person is intoxicated by alcohol or a narcotic to the point where physical and mental faculties are appreciably diminished); or
- H. When discharged on, from, or across the traveled portion of any public street or highway; or
- I. Without a backstop or other method of containment that will adequately contain the projectile to the property upon which it was discharged.

Section 11 Exceptions

This Ordinance shall not be construed to rescind any of the state wildlife laws of North Carolina nor shall it be construed to prohibit the following:

- A. Any citizen from discharging a firearm when lawfully defending his person or property.
- B. Any citizen from discharging a firearm on their property as long as they have in place a backstop or other method of containment that will adequately contain the projectile.
- C. Officers and enlisted personnel of the armed forces of the United States while in the performance of their official duties and acting under orders requiring them to carry arms, weapons or explosives.
- D. Civil officers of the United States while in the performance of their official duties.
- E. Officers of the state or of any county, city, or town charged with the execution of the laws of the state when acting in the performance of their official duties.
- F. The discharge of a firearm at a properly permitted and approved firing range or facility operating as such.
- G. Any citizen from discharging a firearm when protecting against the attack of any dangerous or destructive animal or reptile.
- H. The discharges of a firearm while participating in a special event such as turkey shoots that hold a valid local county permit.
- I. The performance of an historical ceremony, funerals or commemorative functions that are conducted involving the discharge of firearms that do not involve the release of projectiles.

- J. The discharge of a firearm while in the process of lawfully hunting wild birds and/or animals in accordance with Chapter 113, Subchapter IV of the North Carolina General Statutes.
- K. Discharging a firearm into a device that is designed to receive and contain projectiles without risk of escape, which is located within the confines of an enclosed structure.

Section 12 Violations and Penalty

Each violation of this Ordinance shall constitute a Class 3 misdemeanor and any person convicted of the same shall be fined not more than five hundred (\$500.00) dollars and/or imprisonment not exceeding thirty (30) days. A violation of this Ordinance may be enforced by an appropriate, equitable remedy, including injunction and order of abatement issued from a court of competent jurisdiction in accordance with North Carolina General Statute 153A-123.

Furthermore, a violation may cause a civil penalty to be recovered by Scotland County in a civil action in the nature of a debt. Each day's continuing violation of this Ordinance shall constitute a separate and distinct offense.

Section 13 Effective Date

This Ordinance shall take effect and be in force upon adoption.

Duly adopted this 4th day of June, 2018

SCOTLAND COUNTY BOARD OF COMMISSIONERS

Chairman

ATTEST:

Clerk to the Board

C. Whitfield Subs
Tina Allen