

## **HOKE COUNTY FIREARM SAFETY ORDINANCE**

**WHEREAS**, the increased population of Hoke County has resulted in a higher density of population with people living in closer proximity to each other; and

**WHEREAS**, the shooting of personal firearms poses a greater danger than in the past due to the greater population density and concentration; and

**WHEREAS**, the Hoke County Board of Commissioners has become aware of a number of incidents in which firearms have been discharged within dangerously close distances of homes and other such places where people are likely to be; and

**WHEREAS**, because of Hoke County's close proximity to Fort Bragg and the county's growing military population, the Board recognizes the historical support among the citizens for the free use of firearms but believes that steps must be taken in order to ensure the safety of nearby persons when firearms are being discharged within the County; and

**WHEREAS**, the Board believes it is reasonable to regulate the shooting of firearms near places where people live, work, shop or are otherwise likely to be present;

**WHEREAS**, the Hoke County Board of Commissioners believes it to be in the best interest of the citizens of Hoke County that limitations on the discharge of firearms are necessary for the safety and protection of the citizenry, and for the protection of the use of their property without fear of stray bullets crossing over their property;

**NOW THEREFORE**, pursuant to Sections 153A-121 and 153A-129 of the North Carolina General Statutes, the Hoke County Board of Commissioners hereby enacts the following ordinance for the purposes of promoting, safeguarding and maintaining the health, safety and welfare of the citizens and the peace and dignity of Hoke County.

Section 1.     **AUTHORITY**. This Ordinance is adopted pursuant to the authority granted to the Hoke County Board of Commissioners in Section 153A-129 of the North Carolina General Statutes and for the purpose of regulating the discharging of firearms in a fashion that is likely to endanger the citizens of Hoke County.

Section 2.     **DISCHARGE OF FIREARMS GENERALLY**. Except as otherwise provided herein, it shall be unlawful for any person to discharge a firearm without reasonable regard for the safety of persons or property or for the purpose of terrorizing or annoying other persons.

Section 3.     **SPECIFIC RESTRICTION ON DISCHARGE OF FIREARMS.**

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

- (1) Within 500 feet of a dwelling or other building or structure that is designed to be occupied by human beings;
  - (2) Carelessly or heedlessly in wanton disregard for the safety of others;  
or
  - (3) 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.
- (b). It is unlawful for any person to discharge a firearm on the property of another without written permission signed by the landowner or lessee. You must carry the written permission on your person if you are discharging a firearm on the property of another.
- (c). It is unlawful to discharge a firearm in any manner which actually results in the projectile leaving the property on which it is fired.
- (d). It is unlawful to discharge a firearm on any day before sunrise and after sunset, except as allowed by the North Carolina Wildlife Hunting Regulations. It is unlawful to discharge a firearm on Sunday except between the hours of 1 o'clock p.m. and 5 o'clock p.m.

Section 4. **EXCEPTIONS.** This Ordinance shall not apply to the discharge of a firearm when it is used in the following situations:

- (1) in defense of persons or property;
- (2) use by law enforcement officers in their official duties;
- (3) pursuant to lawful directions of law enforcement officers;
- (4) when used to take birds or animals pursuant to Chapter 113, Subchapter IV, of the North Carolina General Statutes;
- (5) at shooting ranges or other such facilities that are operated pursuant to a permit issued by Hoke County;
- (6) by a member of the armed forces acting in the line of duty;
- (7) at historical, holiday, or ceremonial functions or at organized or community events held for historical, holiday, or charitable purposes;
- (8) shooting within 1000 feet of a dwelling or other building or structure designed to be occupied by human beings if such dwelling or other building or structure is located on the shooter's own property or if the shooter has the written permission of the owner;
- (9) shooting on a person's own property for the purpose of protecting the premises or its occupants from dangerous or destructive animals or reptiles that are a menace to public health and have become a nuisance upon the person's premises; and,
- (10) at school sanctioned instructional or recreational activities intended to further the use of safe firearms practices.

Section 5. **ENFORCEMENT.** Subject to the provisions of Section 6 hereinafter, violations of this Ordinance may be enforced by any one or more of the remedies authorized by

Section 153A-123 of the North Carolina General Statutes, including, but not limited to, the following:

(A). The Hoke County Sheriff's Department may issue a citation which subjects the offender to a civil penalty of the greater of \$500 or the maximum allowed by the state law, to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after being cited for a violation.

(B). A civil action seeking an injunction and order of abatement may be directed toward any person who violates this Ordinance.

(C). A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. A violation of this Ordinance upon the issuance of a misdemeanor warrant shall be punishable as a Class 3 misdemeanor under Section 14-4 of the North Carolina General Statutes by a maximum sentence of thirty (30) days and/or a maximum fine of \$500 or the maximum allowed by state law.

Section 6. **COOPERATION OF COMPLAINANTS.** Before initiating a civil or criminal proceeding pursuant to this Ordinance, Hoke County, its officers and staff members, and /or the Hoke County Sheriff shall have the option of requesting the complaining party to sign a sworn statement of the alleged offense and to require the cooperation of the complaining party in court appearances arising from said complaint. Nothing contained in this Ordinance shall obligate Hoke County, its officers and staff members and/or the Hoke County Sheriff to pursue civil or criminal proceedings hereunder where the complaining party is unwilling to sign such sworn statement and cooperate in court appearances arising therefrom.

Section 7, **EFFECTIVE DATE.** This Ordinance shall become effective upon adoption.

Adopted this 27th day of June, 2014.

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James Leach  
Chairman Board of Commissioners  
Hoke County

ATTEST:

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Linda Revels  
Clerk to the Board