



## Town of Sedalia Discharge of Firearms Ordinance

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WHEREAS, G.S. 160A-189 Firearms allows a Municipality by ordinance to regulate, restrict, or prohibit the discharge of firearms at any time or place within the Town, except as used in defense of personal property or pursuant to the direction of a law enforcement officer, and

WHEREAS, the purpose of this Ordinance is to protect the public safety by regulating the indiscriminate shooting of firearms within the incorporated areas of the Town of Sedalia, now, therefore,

BE IT ORDAINED by the Town Council of the Town of Sedalia:

SECTION 1. The Town adopts the following amendment to the Town Code of Ordinances:

### Firearms Ordinance

- (a) No person shall discharge or shoot a gun, air rifle, air pistol or other kind of firearm or similar implement within the town limits of the Town of Sedalia, particularly in a densely populated area, except as otherwise provided for in this Ordinance. Each person discharging a firearm is responsible for exhibiting reasonable regard for safety and property of other persons and for discharging the firearm in such a manner as to assure that all projectiles come to rest safely within the boundary or boundaries of the property or properties on which the person is authorized to be shooting.
- (b) It shall be unlawful for any person, being a parent or guardian of, or standing in as being responsible to, any child under twelve (12) years of age, to permit such child to have possession or custody of, or to use in any manner whatsoever, any firearm, whether such firearm is loaded or is not loaded 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 as being responsible to, any child between twelve (12) years of age and (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 the child has passed a Hunter Safety Course or similarly recognized course in firearms safety.
- (c) It shall be unlawful for any person to fire any firearm in a fully automatic mode except on a firing range operated by a recognized gun club or law enforcement agency, which firing range is substantially in accordance with the specifications promulgated by the National Rifle Association or by an equivalent nationally recognized firearms safety authority for the firing of a fully automatic firearm of the type and caliber being fired. Such person firing a firearm in a fully automatic mode must have on his person the necessary

documentation showing that the firearm is properly registered with the federal government and that the person has the proper federal license to possess such firearm.

- (d) This ordinance does not apply to any of the following:
  - (1) A rifle, pistol, skeet or trap range, operated by a private citizen, recognized gun club or by a law enforcement agency, which firing range is substantially in accordance with specifications promulgated by the Sedalia Development Ordinance;
  - (2) A person hunting on his own property (or another's property if he has on his person written permission for the activity from the owner of the property) exhibiting reasonable regard for the safety and property of other persons who at all times remains nine hundred (900) feet or more from any dwelling unit .
  - (3) Law enforcement officers or members of the armed forces discharging firearms in the line of duty.
  - (4) Persons discharging firearms for the purpose of shooting or killing any dangerous animal or reptile;
  - (5) Any person firing guns in a cemetery for the purpose of conducting a military-style funeral or military commemorative exercise provided that such person has first obtained, in writing, permission from the Town Administrator or Town Clerk. In no event shall permission be given for the discharge of live ammunition; or
  - (6) A person discharging a firearm in self-defense.
- (e) The term "firearm" is defined as any gun or weapon or similar instrument from which shot, shells, bullets, or similar projectiles are discharged by means of the explosion of gunpowder or any air rifle or air pistol.
- (f) The violation of any provision of this Ordinance shall be a Class 3 misdemeanor and may be punishable by a fine of not more than seventy-five dollars (\$75.00) or imprisonment for not more than 30 (30) days and a civil penalty of \$75.00 for the first offense and \$100 for each subsequent offense occurring within 30 calendar days. Each subsequent day the offense continues is a separate offense.
- (g) North Carolina Wildlife officers and law enforcement personnel are authorized to enforce the provisions of this Ordinance.
- (h) It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and that if any phrase, clause, sentence, or paragraph or section of this Ordinance shall be declared unconstitutional or invalid by a valid judgment or decree of any court of competent jurisdiction, such constitutionality 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 Board without incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.
- (i) This ordinance shall apply to all incorporated areas of the Town of Sedalia.

SECTION 2. This ordinance is effective on the date it is adopted.

Adopted the \_\_\_\_\_ day of \_\_\_\_\_ 2020

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Howard Morgan, Mayor

ATTEST:

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(SEAL)

Cam Dungee, Town Clerk