

ORDINANCE 2019-03

FIREARM DISCHARGE PROHIBITED

It is the purpose of this ordinance, under authority of North Carolina General Statute 160A-189, to regulate the discharge of firearms within the town limits of Danbury, North Carolina, in order to promote the health, safety and welfare of all persons and to protect property from damage or loss.

Section 1: Prohibition and Exceptions

The discharge of firearms is prohibited within the town limits, except:

- A. In the defense of any person or property as provided by North Carolina General Statutes.
- B. When in the lawful performance of duties by a statutorily designated law enforcement officer, including a wildlife enforcement officer.
- C. When pursuant to lawful directions of law enforcement officers.
- D. Under the authority of a state depredation permit for the purpose of taking undesirable or excess wildlife<sup>1</sup>.

Section 2: Liability

Proper authorization does not relieve the person discharging a firearm under these circumstances from criminal and civil liability for damage or injuries resulting from such action.

Section 3: Definitions

1. "Firearm" shall mean any handgun, shotgun, or rifle which expels a projectile by action of an explosion<sup>2</sup>.
2. "Projectile" shall mean a missile or any other object hurled from a firearm by an explosive.
3. "Discharge", for purposes of this ordinance, shall mean the act of expelling a projectile from a firearm by action of an explosion.

Section 4: State of Emergency

Nothing in this ordinance shall be construed to limit the Town's authority to take action under Ordinance 2016-02, Section 6, to restrict the possession, transportation, and transfer of dangerous weapons during a declared state of emergency.

Section 5: Supersedure

This ordinance supersedes any previous Town ordinance, section of ordinance, or policy regulating the discharge of firearms within the Town of Danbury.

Section 6: Penalty

Any person in violation of this ordinance shall be guilty of a Class 3 misdemeanor, punishable upon conviction as provided in North Carolina General Statute 14-4, with a fine of not more than fifty dollars (\$50.00).

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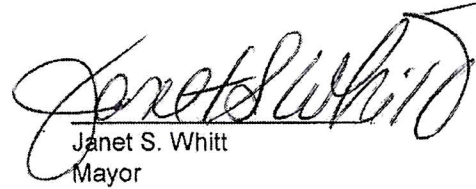
<sup>1</sup> 15A NCAC 10B .0106

<sup>2</sup> NCGS 14-409.39(2)

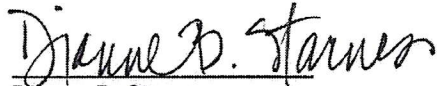
Section 7: Effective Date

This ordinance shall be in full force and effect upon adoption.

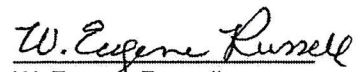
Adopted this the 23rd day of October, 2019.

  
Janet S. Whitt  
Mayor

ATTEST:

  
Dianne B. Starnes  
Town Clerk

APPROVED AS TO FORM:

  
W. Eugene Russell  
Town Attorney