

## CHAPTER 130: FIREARMS

### Section

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## DISCHARGE OF FIREARMS

### § 130.01 ON PUBLIC STREETS OR HIGHWAYS.

It shall be unlawful for any person to discharge any firearm on or from the traveled portion of any public street or highway. For purposes of this subchapter, FIREARM is defined as any gun, rifle, pistol or other barreled weapon capable of discharging projectiles such as shot, bullets, pellets or other missiles at a muzzle velocity of at least 600 feet per second and actually loaded with such a projectile.

(1984 Code, § 2-9-16) (Ord. passed 5-4-1981; Ord. passed 6-4-2001)

### § 130.02 WITHIN 300 YARDS OF A DWELLING.

(A) It shall be unlawful for any person to discharge any firearm within 300 yards of any dwelling owned and/or occupied by another unless the person first procures the written permission of the owner or occupant of the dwelling.

(B) (1) The written permission shall be executed on a form provided by Wake County. It shall be dated and valid for no longer than one year after its issuance.

(2) The permission must be displayed upon the request of any law enforcement officer with authority to enforce this subchapter.

(1984 Code, § 2-9-17) (Ord. passed 5-4-1981; Ord. passed 6-4-2001; Ord. passed 11-9-2022)

#### § 130.03 WITHIN 300 YARDS OF A PUBLIC BUILDING.

It shall be unlawful for any person to discharge any firearm within 300 yards of any building reasonably likely to be occupied, including, but not limited to, any school, church, warehouse or any playground or park.

(1984 Code, § 2-9-18) (Ord. passed 5-4-1981; Ord. passed 6-4-2001; Ord. passed 11-9-2022)

#### § 130.04 WITHIN 300 YARDS OF LIVESTOCK.

It shall be unlawful for any person to discharge any firearm within 300 yards of any domestic livestock belonging to others unless the person first procures the permission of the owner of the domestic livestock.

(1984 Code, § 2-9-19) (Ord. passed 5-4-1981; Ord. passed 6-4-2001; Ord. passed 11-9-2022)

#### § 130.05 FIREARM DISCHARGE STANDARDS.

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

(A) In such a way as will, or is likely to, result in the load thereof leaving the property upon which the firearm is lawfully discharged.

(B) Without a backstop **that will adequately contain the projectile to the property upon which it was discharged. The backstop shall be** based on specifications promulgated by the National Rifle Association or any equivalent nationally recognized firearms safety organization for the type and caliber of firearms being fired. At a minimum, the backstop shall be **composed of a berm, dike, or other physical barrier that is located behind and beyond the target, that has a minimum thickness of two (2) feet, that extends a minimum of four (4) feet above the target, and that is constructed of a material that will allow the projectile to penetrate the backstop, berm, dike, or other physical barrier but not pass all the way through it.**

(C) **At any object other than a fixed, stationary target at which the firearm is specifically aimed, directed and fired.**

(D) Between the hours of 10 p.m. and 7 a.m.

(1984 Code, § 2-9-20) (Ord. passed 6-4-2001; Ord. passed 11-9-2022)

#### § 130.06 EXCEPTIONS.

(A) Commercial facilities. No provision in this subchapter shall interfere with the operation of recognized or approved rifle or pistol ranges, skeet or trapshooting facilities or “turkey shoots”, when conducted in compliance with Chapter 92 of this code.

(B) Miscellaneous exceptions. None of the provisions of this subchapter shall apply to law enforcement officers or members of the armed forces acting in the line of duty; to the shooting or killing of any dangerous or destructive animal or reptile when necessary to protect life or property; to the lawful taking of birds or animals pursuant to G.S. Chapter 113, Subchapter IV, as it is from time to time amended, or pursuant to a lawfully issued federal permit; to the use of firearms for defense of person or property; or the use of firearms pursuant to lawful directions of law enforcement officers.

(1984 Code, § 2-9-21) (Ord. passed 5-4-1981; Ord. passed 6-4-2001; Ord. passed 11-9-2022)

#### § 130.07 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter of this code of ordinances shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter of this code of ordinances are violated shall constitute a separate offense.

(Ord. passed 11-9-2022)