

An Ordinance to Amend Chapter 42, Article I, by Repealing and Replacing Section 42-5

WHEREAS, the City Council of the City of Concord, North Carolina, has adopted a Code of Ordinances; and

WHEREAS, the City desires to amend the ordinance governing the discharging of firearms;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, after due consideration and in the best interests of its citizens and property of Concord, that:

SECTION 1. That Chapter 42 Offenses and Miscellaneous Provisions, Article 1, In General, Section 42-5 Discharging Firearms, be repealed in its entirety and replaced with the following:

Sec. 42-5. Discharging firearms, bows-and-arrows, crossbows and other projectile weapons.

(a) It shall be unlawful for any person to shoot or discharge by bow-and-arrow(s), crossbow, gun, pistol or other firearm, BB gun, air compression gun, spring gun or other similar device which propels with force a shot, pellet or other projectile within the municipal corporate limits of the city.

(b) Nothing in this section shall be construed so as to prohibit:

(1) Any person from discharging any firearm in the lawful defense of his person, family or property or pursuant to lawful directions of law enforcement officers;

(2) Any sworn law enforcement officer from discharging a firearm in the performance of official duties;

(3) Any person, corporation or organization operating a rifle, pistol, skeet or trap range or other firing range including turkey shoots, which range is substantially in accordance with specifications promulgated by the National Rifle Association or by an equivalent nationally recognized firearms safety authority for the type and caliber of firearm being fired;

(4) Any person using, as intended, any device used for the firing of stud cartridges, explosive rivets or similar ammunition;

(5) Any person using model rockets designed to propel a model vehicle in a vertical direction;

(6) Any person using a weapon or other instrument used to fire blank ammunition for a lawful purpose;

(7) Any person from discharging a firearm as part of a funeral ceremony under section 26-6 of this Code;

(8) A person hunting with a firearm on his own property or with the property owner, or on another's property in their absence if he has on his person a valid state hunting license and written permission from the property owner, and:

a. The firearm discharged by the person hunting is a shotgun employing number four or higher shot or is steel shot labeled "T, BBB, or F" for taking geese;

b. There is a valid hunting season in effect at the time the shotgun is discharged;

c. The shotgun is not discharged within 500 feet of a dwelling house, school, church, or any other occupied building, street or road, park or recreation area or other type of public gathering place;

d. The parcel or tract of land which the hunter owns or has permission to hunt upon is greater than 20 acres in area; and

e. The person discharging the shotgun exhibits reasonable regard for the safety and property of other persons;

(9) A person hunting only by bow-and-arrow or crossbow on his own property, or with the property owner, or on another's property in their absence if he has on his person a valid North Carolina hunting license (or who qualify for an exemption

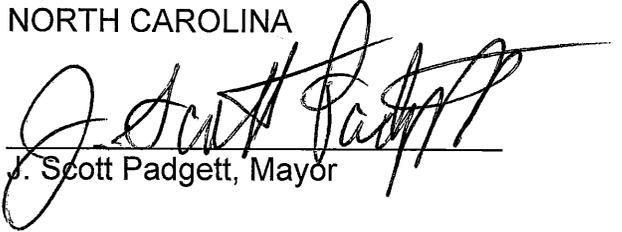
from licensing by the state wildlife commission) and written permission from the property owner or the property owner's authorized agent or manager, and:

- a. There is a valid hunting season in effect for which the hunting license applies at the time the crossbow or bow-and-arrow is discharged;
 - b. The bow-and-arrow or crossbow is not discharged within 250 feet of a dwelling house, school, church, or any other occupied building, street or road, park or recreation area or other type of public gathering place;
 - c. The parcel or tract of land which the hunter owns or has permission to hunt upon is equal to or greater than 2.0 acres in area; and
 - d. The crossbow or bow-and-arrow is discharged only from an elevated platform or stand located at least ten (10) feet above the level of the surrounding grade or the target, whichever is less
 - e. The person operating the bow or crossbow exhibits reasonable regard for the safety and property of other persons;
- (10) Any person engaged in a commercial livestock operation from using a firearm or other weapon in defending any commercial animal against any other animal.
- (c) Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be fined \$500.00 or imprisoned 30 days, or both. Violators may be subject to a civil penalty of \$500.00 to be recovered in the nature of a debt.

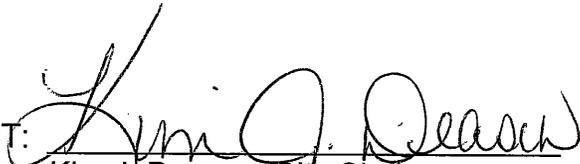
SECTION 2. That this Ordinance be effective immediately upon adoption.

Adopted this 9th day of September 2010.

CITY COUNCIL
CITY OF CONCORD
NORTH CAROLINA


J. Scott Padgett, Mayor

ATTEST:


Kim J. Deason, City Clerk




Albert M. Benshoff, City Attorney