

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: January 6, 2025
SUBJECT: Review of Firearms Ordinance
PRESENTER: Charles Russell Burrell
ATTACHMENT(S): Draft modification of Henderson County Code 23-10.C.

SUMMARY OF REQUEST:

After the Board's December meeting, two members of the Board met with the Sheriff and County staff to discuss possible modification of the County's Weapons Ordinance (Chapter 23 of the County Code) regarding further restrictions regarding firearms discharge. The attached amendment to Section 23-10.C. of the Code was the result.

The effect of this modification would be to prohibit a property owner or lessee from knowingly allowing another to discharge a firearm in a manner that the projectile leaves the real property from which it is fired.

County staff will present further information on this matter.

BOARD ACTION REQUESTED:

Consideration of the draft ordinance amendment

If the Board is so inclined, the following motion is suggested:

I move that the Board adopt the proposed amendment to section 23-10.C. of the County Code.

Chapter 23
Weapons

Article II - Restrictions Regarding Discharge of Firearms

§ 23-8. Title.

This Article II shall be referred to as the "Henderson County Ordinance Regulating the Discharge of Firearms."

§ 23-9. Authority and Jurisdiction.

This Article II is enacted pursuant to the authority of [N.C.G.S. 153A-129](#). This Article II shall be interpreted in accordance with any sections of the N.C.G.S. which, by their terms, limit the authority of the County to regulate the discharge of firearms. This Article II shall apply to the unincorporated areas of Henderson County and to those incorporated areas of any city or town specifically requesting its enforcement by Henderson County upon the consent of the Henderson County Board of Commissioners. (In making such a request, the city or town must comply with the requirements of [N.C.G.S. 153A-122](#).)

§ 23-10. Restrictions.

- A. It is unlawful for any person to discharge a firearm:
 - (1) Carelessly or heedlessly in wanton disregard for the safety of others; or
 - (2) Without due caution or circumspection and in a manner so as to endanger any person or property; or
 - (3) 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 his or her permission.
- C. It is unlawful to discharge a firearm in any manner which actually results in the projectile leaving the property on which it is being fired, or as the owner or lessee of real property to knowingly allow another to discharge a firearm from the real property they own or lease in any manner which actually results in the projectile leaving the real property on which it is being fired.
- D. This section shall not be construed as prohibiting discharge of a firearm when used:
 - (1) In lawful defense of person or property;
 - (2) To take birds or animals pursuant to [N.C.G.S. Chapter 113, Subchapter IV](#);
 - (3) Pursuant to lawful directions of law enforcement officers;
 - (4) By persons lawfully engaged in pest control or the taking of dangerous animals;
 - (5) By members of the armed forces acting in the line of duty; or
 - (6) At historical ceremonial or commemoration functions held for such purpose, provided in no event shall live ammunition be used or discharged.

§ 23-11. Violations and Penalties.

Any person violating any provision of this Article II shall be subject to the penalties set forth in the Henderson County Code, Chapter 1, General Provisions, Article II.

§ 23-12. Through 23-25. (Reserved)