

AN ORDINANCE AMENDING § 130.02 “FIREARMS, EXPLOSIVES AND THE LIKE” OF THE TOWN CODE OF THE TOWN OF DUCK, NORTH CAROLINA, TO CLARIFY THE TYPES OF RESTRICTED FIREARMS AND TO ADD THE DISCHARGE OF ARROWS TO PROHIBITED ACTIVITIES

Ordinance 19-01

WHEREAS, pursuant to N.C General Statute §160A-174 a town may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, N.C General Statute §160A-189 allows a city by ordinance to regulate, restrict, or prohibit the discharge of firearms at any time or place within the city except when used in defense of person or property or pursuant to lawful directions of law-enforcement officers.

NOW, THEREFORE, BE IT ORDAINED BY the Town Council for the Town of Duck, North Carolina as follows:

Part I.

§ 130.02 “FIREARMS, EXPLOSIVES AND THE LIKE” of the Town Code of the Town of Duck, North Carolina, is amended as follows:

§ 130.02 FIREARMS, EXPLOSIVES AND THE LIKE.

(A) Discharge in town restricted. It shall be unlawful for any person to fire or discharge guns, shotguns, rifles, pistols or any other firearm, or air rifles, spring guns, spring pistols, compressed air rifles, compressed air pistols or similar devices, or discharge any explosive device, by whatever name called, within the corporate limits of the town.

(B) Shooting or discharge of arrows prohibited. It shall be unlawful for any person to shoot or discharge, by bow, crossbow, or similar device, any arrow or similar projectile of deadly force within the town’s corporate limits. Archery practice on private property shall be excepted from this prohibition, provided that any arrow or similar projectile used in the archery practice does not leave the boundaries of the private property on which the archery practice is taking place.

(C) Enforcement. Division (A) above is enforceable by the Police Department.

(D) Exceptions. The provisions of division (A) above shall not apply to police officers and other duly authorized police and peace officers of the county, state and the United States of America, or the armed forces of the United States of America, while in the performance of their duties as so;

(E) Carrying of concealed handgun prohibited. The carrying of a concealed handgun as defined in G.S. Ch. 14 Article 54B in any building or appurtenant premises owned, leased or occupied by the town for governmental purposes, and in all municipal parks, recreation areas and beach access areas, is prohibited.

(F) Posting of prohibition.

(1) The prohibition against carrying a concealed handgun shall be enforceable in any government building and appurtenant premises and on any park described in division (D) above upon the posting of a notice stating "the carrying of a concealed handgun on these premises is prohibited and illegal."

(2) This notice shall be posted in a conspicuous location near the entrance to any like premises.

(G) Violations. Violations of any provision of this section shall be a misdemeanor and punishable as provided in G.S. § 14-4. Notwithstanding the forgoing, violation of division (D) above shall be punishable as provided in G.S. § 14-415.21(b).

Part II.

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

Adopted this the 6th day of February, 2019.



A handwritten signature in black ink, appearing to be "W. J. ...", written over a horizontal line.

Mayor

Attest:

A handwritten signature in blue ink, appearing to be "Lou A. Ad...", written over a horizontal line.

Town Clerk