

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: September 10, 2019

**Action Agenda
Item No.** _____

SUBJECT: Discussion regarding the regulation of the discharge of firearms in areas of the county with a high residential unit density.

DEPARTMENT: County Attorney

ATTACHMENT(S):

INFORMATION CONTACT:

Map showing how regulation based on housing density may look
State laws limiting local government firearms regulation
Prior Durham County ordinance
Current Durham County ordinance

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PURPOSE: To discuss options related to the regulation of firearms discharge in limited urbanized areas of the County.

BACKGROUND: This topic was briefly discussed by the Firearms Safety Committee at its meetings but did not result in any substantive recommendations to the Board of Commissioners in that committee's final recommendation. The proposed recommendations from the committee included a recommendation that the Code of Ordinances be amended to prohibit the discharge of firearms while an individual is impaired, required discharged projectiles remain on the property on which they are discharged, and individuals discharging firearms maintain adequate backstops. These recommendations were adopted.

The Board of Commissioners continues to receive complaints from residents related to the discharge of firearms near populated areas and directed the attorney to examine this issue and bring it forward for Board discussion. North Carolina General Statute 153A-129 specifically authorizes counties to regulate the discharge of firearms (Attachment 2). Other statutes limit the extent to which counties may regulate firearms in general and the discharge of firearms, particularly with respect to the discharge of firearms on "sport shooting ranges."

In examining this issue the attorney determined the only lawful means to regulate the discharge of firearms in urbanized areas in a manner by which the regulation would apply to discharge of firearms in general and on existing shooting ranges is to regulate the discharge of firearms within specified distances of high density urbanized areas. To show where such regulations

could be imposed planning staff developed a county map showing areas of the County with residential housing densities of 10 or more residential units per 10 acres (Attachment 1). **This map is for illustrative purposes only** and shows where an ordinance of this type could be applicable. Although each grid square is not visible, each red grid square represents a 10 acre tract within which there are at least 10 residential units. The enclosed green areas are areas in which there are clusters of at least four red grid squares within approximately one mile of each other. Regulated areas could be established through reference to existing roads in the area or GPS coordinates with enforcement focused on discharges occurring within a designated distance from a residential unit located within one of the regulated areas. As is apparent from the map, focusing only on dense areas would create small islands of enforcement and, at least at the density selected for the example, would result in enforcement areas only in the southern half of the county.

Durham County previously had an ordinance similar to this in which the ordinance only applied to discharge of firearms within 600 feet of a residence within one of many high density areas. Durham also had a permit process for shooting ranges that existed in the regulated areas prior to the adoption of the ordinance (Attachment 3). According to the Durham County Attorney enforcement proved exceptionally difficult and in December 2018 Durham County amended its ordinance to remove the references to high density areas and now restricts firearms discharge throughout the county if it occurs within 900 feet of the property lines of properties containing houses, schools, and churches (Attachment 4).

The County Attorney consulted the Orange County Sheriff's Office on this issue and as in prior discussions of this topic the Sheriff's office indicates enforcement would be difficult due to the nature of the regulated activities, that being generally short in duration and unless visually observed by a deputy difficult to precisely locate.

Pursuant to North Carolina law any regulation such as that discussed in this presentation would not apply to the discharge of firearms for lawful hunting activities, when occurring in the defense of person or property, or pursuant to the lawful directions of law enforcement officers.

FINANCIAL IMPACT: There is no financial impact associated with this discussion.

SOCIAL JUSTICE IMPACT: There is no social justice impact associated with this discussion.

ENVIRONMENTAL IMPACT: There is no environmental impact associated with this discussion.

RECOMMENDATION(S): The Manager recommends the Board discuss this issue and provide direction to staff.