

O-022106 N.C. FIRE ARMS ORDINANCE

Attorney Scott Cole appeared before the board and noted the following:

- Committee formed to study and make recommendations last year.
- Committee members were Commissioner Dimsdale, Sheriff Nichols, David Waller, Terry West, Larry McSwain, Lynn, John
- Primary Change is deleting the within 350 yards for discharging a weapon of any street, alley, or building, etc.
- Weapons should not be discharged within 100 yards of any occupied building or upon the land of another or across the property line of another without first obtaining written permission from property owner.
- Ordinance is attached and made part of minutes

Motion: To approve O-022106 Newton County Fire Arms Ordinance.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Note: The original ordinance is contained in file number O-022106, incorporated herein by reference and expressly made a part of these minutes.

Section 31-102 Discharging Firearms, Air Guns, Etc.

1. It shall be unlawful for any person in unincorporated Newton County to discharge or shoot any gun, air gun, BB gun, pistol, or other firearms which project lead or any other missile as follows
 - A. into a dwelling, house, railroad train, boat, aircraft, motor vehicle, or any building or structure used for assembling of people; or
 - B. within one hundred (100) yards of any occupied building or upon the land of another or across the property line of another without first obtaining written permission of such property owner(s); or
 - C. at a mark, at any inanimate object, or at random, on, along or across a public highway; or
 - D. at or from any motor vehicle, at any person, at any other motor vehicle, or at any building or habitable structure.

2. Section 31-102 (1)(A-E) shall not apply to or affect any of the following:
 - A. All federal, military, state, county, and municipal law enforcement peace officers possessing the duty and power of arrest whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer, or any other person otherwise authorized by Georgia statute; or
 - B. Any person lawfully exercising the destruction of dangerous animals, or for lawful nuisance wildlife abatement by persons properly permitted by the Georgia Department of Natural Resources, or in the lawful exercise of trapping by properly licensed trappers; or
 - C. In connection with the discharge of blank cartridges for theatrical purposes or for signal purposes in athletic or sporting events, military exercises, funerals, reviews, or memorial events; or
 - D. Any citizen when lawfully defending person or property; or
 - E. Any citizen or legal entity engaged in the lawful use or legal nonconforming use under any zoning ordinance at any private or commercial sport shooting range.

1. For the purposes of this section a "sport shooting range" means an area designed and operated for the use and discharge of guns, air guns, BB guns, pistols, or other firearms which project lead or any other missile.
3. It shall be unlawful for any person to discharge a firearm while:
 - A. Under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is unsafe for the person to discharge such firearm except in defense of life, health, and property;
 - B. The person's alcohol concentration is 0.08 grams or more at any time while discharging such firearm or within three (3) hours after such discharge of such firearm from alcohol consumed before such discharge ended; or
 - C. Subject to the provisions of subsection (3) of this Code section, there is any amount of marijuana or a controlled substance as defined in O.C.G.A. §16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person's breath or blood.
4. The fact that any person charged with violating this section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this section; provided, however, that such person shall not be in violation of this subsection unless such person is rendered incapable of possessing or discharging a firearm safely as a result of using a drug other than alcohol which such person is legally entitled to use.
5. Any person convicted of violating subsection (3) of this section shall be guilty of a misdemeanor of a high and aggravated nature.