

# Ordinance 09-29



Town Council  
Town of Leland  
North Carolina

**Introduced by:** Code Re-write Committee

**Date:** 12/17/2009

## **An Ordinance Amending Chapter 18 of the Code of Ordinances**

The Town Council of the Town of Leland, North Carolina, doth ordain:

1. That Chapter 18 of the Code of Ordinances, Town of Leland, North Carolina is hereby repealed in its entirety and a new Chapter 18 as set forth in Exhibit "A" attached to this ordinance and incorporated herein by reference is substituted in place thereof.
2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.
3. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.
4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Leland, North Carolina, and shall be in full force and effect from and after its adoption.

\_\_\_\_\_  
Walter B. Futch, Jr., Mayor

Adopted at a regular meeting  
on December 17, 2009

Attest:

\_\_\_\_\_  
Carol Ann Floyd, MMC  
Town Clerk

(SEAL)

Approved as to Form:

\_\_\_\_\_  
John C. Wessell III, Town Attorney

## EXHIBIT "A"

### Chapter 18

#### OFFENSES AND MISCELLANEOUS PROVISIONS\*

\* **Cross References:** Restrictions on possession, transportation and transfer of dangerous weapons and substances, § 12-6; traffic and vehicles, ch. 24.

**State Law References:** General ordinance-making power, G.S. 160A-174.

**Sec. 18-1. Discharging BB guns, similar weapons.**

**Sec. 18-2. Discharging firearms.**

**Sec. 18-3. Posting of signs required.**

**Sec. 18-4. Location of signs.**

**Sec. 18-5. Smoking in public buildings.**

##### **Sec. 18-1-A. Discharging BB guns**

It shall be unlawful for anyone to shoot a BB gun within 1,000 feet of any residential or commercial building. You must be 21 years of age or supervised by someone over the age of 21 to shoot a BB gun within the town.

##### **Sec. 18-1-B. Discharging similar weapons.**

It shall be unlawful for any person to shoot any air rifle, air gun, air pistol, gas pistol or gas gun within the town. Nothing in this section shall be construed to prohibit licensed shooting galleries for BB guns at indoor shooting ranges that have met the safety regulations set forth by the National Rifle Association and that such shooting range or gallery is at all times under the supervision of a qualified instructor.

(Ord. No. 93-4, § 9-4, 2-20-1993)

**State Law References:** Authority to regulate pellet guns, G.S. 160A-190.

##### **Sec. 18-2. Discharging firearms.**

It shall be unlawful for any person to fire a gun, rifle, pistol or other firearm within the town except in case of self-defense or necessity. This section shall not apply to an officer lawfully discharging his duty. Nothing in this section shall be construed to prohibit trap shooting or turkey shoots at such places and under such conditions as may be approved by the town manager.

(Ord. No. 93-4, § 9-5, 2-20-1993; Ord. No. 03-22, § 1, 10-16-2003)

**State Law References:** Authority to regulate firearms, G.S. 160A-189.

### **Sec. 18-3. Posting of signs required.**

The police department is authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited in the building or on the premises. (Ord. No. 95-06, § 9-6, 10-19-1995)

**Cross References:** Signs, § 30-381 et seq.

### **Sec. 18-4. Location of signs.**

Signs on buildings as required under this section shall be visibly posted on the exterior of each entrance by which the general public can access the building. The police department shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks. (Ord. No. 95-06, § 9-7, 10-19-1995)

**Cross References:** Signs, § 30-381 et seq.

### **Sec. 18-5. Smoking in public buildings.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Smoking* means the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

(b) *Prohibited.* It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility owned, leased, operated, occupied, managed or controlled by the town.

(c) *Penalty.* Violation of this section shall constitute a misdemeanor or infraction punishable under G.S. 14-4.

(Ord. of 9-23-1993(1), §§ 1, 2, 4)

**Cross References:** Buildings and building regulations, ch. 8.

**State Law References:** Posting signs prohibiting concealed weapons, G.S. 14-415.11(c) et seq.