

Fran Harris

From: Bobby Outten [Bobby@smogobx.com]
Sent: Thursday, May 18, 2006 8:42 AM
To: Allen Burrus; Cheryl Byrd ; Mike Johnson ; Richard Johnson; Stan White; Virginia Tillett; Warren Judge
Cc: Terry Wheeler; Ray Sturza; Fran Harris
Subject: Amendment to Section 130.02 Discharge of Firearms

Commissioners,

As you may recall, sometime ago a citizen came before you to advise that people hunting around their home were raining shot upon their house. They asked the Board to consider amending the ordinances to help prevent this problem. You asked Ray Sturza and me to look into changing the ordinance and to bring you something back. Ray and I have discussed this on several occasions. Section 130.02(A) of our current ordinance prohibits the discharge of a firearm within 300 yards of any occupied dwelling without the permission of the occupant. Section 130.02(C) among other things, exempts the taking of birds or animals pursuant to Chapter 113 Subchapter IV of the NC General Statutes (the state hunting regulations) from these provisions.

Since hunting has been a traditional activity in Dare County for many years, the problem seems to be with shotgun pellets which have a short range, and because we have had only one complaint, our belief was that we should address the problem in the least restrictive way that we could. Commissioner Byrd had some concerns that simply extending the the distance where shooting is prohibited may not be enough. In response to the citizen concerns and the concerns expressed by Commissioner Byrd, I would propose the following:

1. Section 130.02(A) be amended by deleting the word "300 yards" and in place thereof insert the words "500 yards"
2. Section 130.02(C) be amended by deleting the words "This section does not apply to the taking of birds or animals pursuant to G.S. Ch. 113, Subchapter IV" and in place thereof insert "This section does not apply to the taking of migratory waterfowl from a licensed blind"

The second change to the ordinance solves two problems. In the current ordinance, by exempting the taking of animals or birds regulated by the State, hunting was exempted from the distance requirements. Our problems came during hunting season. Without applying the distance regulation to hunters, we would not solve the problem. The duck blind exemption is included because it did not make sense for the County to license a duck blind and then have an ordinance that prohibits you from shooting from the blind.

I have copied this e-mail to Fran and ask that she put this on the next agenda for your consideration. Please note that no public hearing is required, so at the meeting you can modify my proposal however you would like. Please note also that nothing prevents you from scheduling a public hearing if you believe public input is helpful.

Bobby

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