

MONTREAT CODE OF GENERAL ORDINANCES

CHAPTER I - DISORDERLY CONDUCT AND PUBLIC NUISANCES

ARTICLE V: FIREARMS

Section 1. General. In accordance with North Carolina General Statute 160A-189, a town may by ordinance regulate, restrict, or prohibit the discharge of firearms at any time or place within the town except when used in the defense of person or property or pursuant to lawful directions of law enforcement officers, and may regulate the display of firearms on the streets, sidewalks, alleys, or other public property.

Section 2. Discharge of Firearms. No person shall shoot or discharge, within the corporate limits of the town, any firearm, gun, rifle, pistol, air rifle, spring gun or compressed air rifle or pistol or other similar device or weapon which impels or discharges with force any bullet, shot or pellet of any kind, including arrows with metallic tips or sharp tips of any nature, designed to penetrate and propelled by a bow or spring device. This section shall not apply to any law enforcement officer of any governmental agency or body charged with the duties of protecting life or property or enforcing laws and regulations while engaged in the performance of their official duty. This section shall not apply in defending one's self or property or the safety and property of others.

Section 3. Seizure of Firearms or Weapons. The chief of police or any member of the police department is hereby authorized to seize, hold and confiscate, subject to order of the court, any firearm, weapon, air rifle or similar device described in Section 2 which is shot or discharged within the town in violation of this article.

Section 4. Penalty for Violation of Article. Any violation of the provisions of this article shall constitute a Class 3 misdemeanor punishable, upon conviction, as provided in G.S. 160A-175 and G.S. 14-4 or as specified in Chapter L of the Town of Montreat Code of General Ordinances.

Section 5. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6. Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.