

Ordinance 11-6-23

CODE OF ORDINANCE OF THE TOWN OF BUNN, NORTH CAROLINA TO RESTRICT THE USE OF FIREWORKS, PELLET GUNS AND MISCELLANEOUS GUNS AND FIREARMS IN THE TOWN LIMITS

WHEREAS, the Bunn Town Code currently prohibits the discharge of firearms within the town limits; and

WHEREAS, the Bunn Police Department has asked for restrictions on the discharge of pellet guns, fireworks, and similar devices within the town limits; and

WHEREAS, North Carolina General Statutes 160A-90, 14-410 and 14-414 permit the restrictions provided herein.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners of the Town of Bunn that, Offenses and Miscellaneous Provisions, *Discharge of firearms*, is written as follows:

1. Discharge of firearms, pellet guns, fireworks, etc.

(a) It shall be unlawful for any person to discharge any firearm of any type within the town limits except in the following cases:

- (1) In case of necessity in defense of persons or property;
- (2) In the case of a police officer or law enforcement personnel lawfully discharging their duties;
- (3) As allowed at licensed shooting galleries;
- (4) "Blank" charges may be discharged during ceremonial events

(b) It shall be unlawful for any person to discharge a pellet gun, or device known as, or similar to, a potato cannon gun or any projectile object of any type.

2. Sale and use of pyrotechnics prohibited; public exhibitions permitted.

(a) For the purposes of this section, the word "pyrotechnics" as is used herein, shall be defined as and include any and all kinds of firecrackers, torpedoes, skyrockets, roman candles, explosives and other articles commonly known as fireworks, which are used for exhibitions or amusement purposes; provided however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation and use of explosives or signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms. This section shall not apply to the sale, use or possession of explosive caps designed to be fired in toy cap pistols, provided that the explosive mixture of such explosive caps shall not exceed twenty-five one hundredths (0.25) of a grain for each cap.

(b)(1) It shall be unlawful for any person in the city to manufacture, purchase, sell, possess, shoot, fire, store or use or cause to be discharged any pyrotechnic device, as defined in subsection (a) hereof in the city; provided however, that it shall be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations; provided further, that the use of such pyrotechnics in connection with public exhibitions such as fairs, carnivals, and shows of all descriptions shall be under supervision of experts who have previously secured written authority from the city council; except that any person who is at least eighteen (18) years of age may, as otherwise allowed by law, manufacture, purchase, sell, possess, shoot, fire, store, use and discharge the following pyrotechnic devices:

- a. Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning.
- b. Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke.
- c. Trick noisemakers which produce a small report designed to surprise the user and which include:
 1. A party popper, which is a small plastic or paper item containing not in excess of sixteen (16) milligrams of explosive mixture. A string protruding from the device is pulled to ignite the device, expelling paper streamers and producing a small report.
 2. A string popper which is a small tube containing not in excess of sixteen (16) milligrams of explosive mixture with string protruding from both ends. The strings are pulled to ignite the friction-sensitive mixture, producing a small report.
 3. A snapper or drop pop, which is a small, paper-wrapped item containing no more than sixteen (16) milligrams of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.
- d. Wire sparklers consisting of a wire or stick coated with nonexplosive pyrotechnical mixture that produces a shower of sparks upon ignition. These items must not exceed one hundred (100) grams of mixture per item.
- e. Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground-based, cannot propel themselves through the air, and contain not more than seventy-five (75) grams of chemical compound per tube, or not more than a total of two hundred (200) grams if multiple tubes are used.

(2) It shall be unlawful for any merchant in the Town to sell any pyrotechnic device, as defined in subsection (a), to anyone under eighteen (18) years of age. Determination of age for the purpose shall be made in like manner to that for the purchase of alcoholic beverages by those twenty-one (21) years of age and older.

(3) It shall be unlawful to distribute any pyrotechnic device, as set out in subsection (a), to anyone under eighteen (18) years of age without parental permission and adult supervision of their use.

(4) It shall be unlawful for anyone to possess or use any of the pyrotechnic devices, as set out in subsection (a), in any school, theater, shopping mall, church, public building or other place of public assembly, except as permitted by subsection (c).

(c) For the purpose of enforcing the provisions of this section, the Board of Commissioners shall issue permits for use in connection with the conduct of public exhibitions, such as fairs, carnivals, shows of all descriptions and public exhibitions, but only after satisfactory evidence is produced to the effect that such pyrotechnics will be used for the aforementioned purposes and none other.

(d) Any person violating this section of the city Code shall be guilty of a misdemeanor and shall be punishable by a fine, citation and/or imprisonment, as set out in G.S. 14-4.

This ordinance shall be effective upon adoption.

Adopted on Motion of Commissioner Nicole Brantley, seconded by Commissioner Audrey Hartsfield, and approved on a vote of 4 in favor and 0 against.

This the 10th day of NOV., 2023.

Town of Bunn

Mauda W. Strawbridge

Mayor

Attest:

Dottie Saylor
Clerk