

## Town of Badin Ordinance 98-2

### AN ORDINANCE PROHIBITING DISCHARGING OF FIREARMS, AIR RIFLES, BB GUNS, CROSSBOWS, AIR PISTOLS, BLOW GUNS, BOW AND ARROWS, SLINGSHOTS, OR OTHER DEVICES

WHEREAS, the Town Council of the Town of Badin deems it to be in the best interest of the health and safety of the citizens of Badin to prohibit the discharging of firearms, air rifles, BB guns, crossbows, air pistols, blow guns, bow and arrows, slingshots, or other devices within the Town of Badin;

THEREFORE, BE IT ORDAINED by the Badin Town Council as follows:

Section 1: It shall be unlawful for any person to discharge within the Town Limits of Badin a gun, pistol, or firearm of any kind, or to discharge any air rifle, air pistol, BB gun, blow gun, bow and arrow, crossbow, slingshot, or any device of any description by whatever name known, that by means of compressed air, compressed gas, spring or other means, is capable of discharging shots, pellets, BB's or any solid object.

Section 2: It shall be unlawful for any parent, guardian, managing conservator, possessory conservator, custodian or other adult person to permit his/her child, ward, or any other person under the age of 17 years old and subject to his/her discipline and control, to discharge within the Town Limits of Badin, a gun, pistol, or firearm of any kind, or to discharge any air rifle, air pistol, BB gun, blow gun, bow and arrow, crossbow, slingshot, or any device of any description by whatever name known, that by means of compressed air, compressed gas, spring or other means, is capable of discharging shots, pellets, BB's, or any solid object.

Section 3: Exceptions - shall not apply:

- A. When such person or minor is possessing or using such weapons on a range operated or conducted by any school, educational institution, or other regulated group; or
  
- B. When such person or minor is using or possessing such weapons within a regulated, or supervised course or range provided by the Town, under regulations, or ordinances duly promulgated and adopted by Council; or
  
- C. When such person or minor is carrying such weapon unloaded and otherwise dismantled. To and from such licensed

or authorized course, while in the presence of any parent, guardian, custodian, or other adult person.

Section 4: Any violation of this ordinance shall be punishable by a fine of \$50.00 and any other costs ordered by the courts, and destruction of any weapon contained in the ordinance.

Weapon(s) shall be seized and held by the Town of Badin Police Department until disposition by the court(s).

This Ordinance was duly passed by the Badin Town Council on the 9th day of June, 1998.

Section 4. RESPONSIBILITY OF ADULTS. It is unlawful for any custodian allow or permit any minor to be in or upon, or remain in or upon a public place within the Town or on any property or right-of-way belonging to the Town and located outside the corporate limits of the Town, within the curfew hours set by Section 2, except as provided in Section 3.

Section 5. RESPONSIBILITY OF BUSINESS ESTABLISHMENT. It is unlawful for any person, firm or corporation operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon the premises of such place of business or amusement within the curfew hours set by Section 2, except as provided in Section 3.

## Section 6. ENFORCEMENT.

(A) When a minor is found to be in violation of this ordinance, a police officer will check with the Stanly County Communication Center and the records of the Badin Police Department to determine if the minor is a first offender. If the minor is a first time offender he or she will be taken to the residence of his or her custodian. A written warning will be given to the custodian and an information report will be taken by the officer. The report shall include the name of the minor and the custodian, the time, date, and location of the offense. This report will be turned into the Police Department Records Division.

(B) If, upon checking with the Stanly County Communication Center and the records of the Badin Police Department, the minor is found to be a repeat offender, he or she will be taken to the residence of his or her custodian and the custodian may be issued a criminal citation charging him with a violation of this ordinance. A report will be turned in to communications center and entered into the Police Department Records Division.

(C) If the minor is found to be a repeat offender and has passed his/her twelfth birthday but has not reached his/her sixteenth birthday, the minor may be treated as a delinquent juvenile. If the minor is found to be a repeat offender and has passed his/her sixteenth birthday, then a criminal summons charging a violation of this ordinance may be issued to the minor.

(D) If the minor is under 12 years of age, a report will be made and a copy forwarded to the Stanly County Department of Social Services.

Section 7. AIDING AND ABETTING BY ADULT, GUARDIAN, OR PARENT. It shall be a violation of this ordinance for any person over 18 years of age to aid or abet a minor in the violation of Section 2.

Section 8. REFUSAL OF CUSTODIAN TO TAKE CUSTODY OF A MINOR. If the custodian of a minor found to be in violation of this ordinance refuses to take custody of such minor, the officer having custody of the minor child shall contact the Stanly County Department of Social Services and release the minor to that Agency, pending further investigation by the Police Department and the Department of Social Services. The

custodian may be issued a criminal citation charging him or her with a violation of this ordinance.

Section 9. PENALTY. Any person who violates this ordinance shall be guilty of a misdemeanor and shall be fined not more than \$50, or imprisoned for not more than 30 days.

This Ordinance was duly passed by the Badin Town Council on the 8th day of February, 2005.