

**RESOLUTION REGULATING THE DISCHARGE OF FIREARMS ACROSS
PROPERTY BOUNDARIES IN THE UNINCORPORATED AREA OF SEDGWICK
COUNTY, KANSAS**

RESOLUTION NO. _____

Published on: _____

WHEREAS, pursuant to K.S.A. 19-101, *et seq.*, the Board of County Commissioners of Sedgwick County, Kansas (“the Board”) has the powers of home rule to determine its local affairs and government; and

WHEREAS, the regulation of the discharge of firearms resulting in projectiles crossing property boundaries, where the discharge occurs within the unincorporated area has not been preempted by the Kansas State Legislature and this resolution would not result in the Board otherwise regulating the use, carrying, possession, sale, or purchase of firearms; and

WHEREAS, the Board’s exercise of police powers to protect the health, safety and welfare of residents within Sedgwick County is not inconsistent with K.S.A. 21-6308 for criminal discharge of firearms; and

WHEREAS, pursuant to K.S.A. 19-101d, the Kansas State Legislature granted the Board the authority to enforce all resolutions passed pursuant to county home rule powers; and

WHEREAS, K.S.A. 19-4701, *et seq.* established the code for the enforcement of county codes and resolutions; and

WHEREAS, the Board adopted Resolution No. 159-1994, which adopted the *Sedgwick County Code*; and

WHEREAS, the Board desires to include the enforcement of the regulations adopted by this resolution within the procedures established for code enforcement within the *Sedgwick County Code*.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1.

This resolution shall be included within the *Sedgwick County Code* in Chapter 19, Article IV, entitled Section 19-61, and such article shall be entitled “Regulation of the Discharge of Firearms Across Property Boundaries.” The sections that are adopted and include within such article are subsequently included within this resolution.

SECTION 2.

Section 19-61 of the Sedgwick County Code is created to read as follows:

Sec. 19-61. Discharge of Firearm Across Property Boundaries

- A. It shall be, and hereby is unlawful for a person to discharge a firearm so that the projectile from the firearm leaves the boundaries of real property upon which the discharge or shooting occurs. It shall be, and hereby is a defense if the person:
- (1) owns the real property on which the firearm is discharged and all other property onto or over which the projectile travels; or
 - (2) has the prior consent of the owner of the real property on which the firearm is discharged and the owners of all other real property onto or over which the projectile travels.
- B. Unlawful discharge of a firearm in subsection A, above, shall not include:
- (1) discharging a firearm in lawful defense of life;
 - (2) any law enforcement officer discharging his or her firearm while in the line of duty; or
 - (3) discharging a firearm while an individual is engaged in bona fide hunting activities in conformity with all requirements established under Kansas law and the projectile does not strike or travel in the vicinity of any person, residence, or other structure located on other real property.
- C. The following words, terms and phrases when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:
- (1) “Firearm” means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.
 - (2) “Projectile” means any bullet or shot.
- D. Any violation of this section shall be punishable as provided in Section 1-8 of the *Sedgwick County Code*, and any such violation shall be a Class I offense as indicated within Section 8-5 of the *Sedgwick County Code*, as such section may be amended. At the time of adoption of this resolution, a violation carries a maximum fine of \$500.00.
- E. The provisions of this section shall be administered and enforced by the Sedgwick County Sheriff and the Sheriff’s deputies and designees who, for purposes of prosecuting

violations in the Sedgwick County Court, are identified as “code enforcement officers” within Section 1-2 of the *Sedgwick County Code*.

SECTION 3.

This resolution shall be published once in the official county newspaper upon its approval. This resolution shall become effective upon such publication.

Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
LACEY D. CRUSE
JAMES M. HOWELL

Dated this _____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District