



STATE OF NEVADA

DEPARTMENT OF WILDLIFE

Law Enforcement Division

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#11 A

MEMORANDUM

March 16, 2018

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Tyler Turnipseed, Chief Game Warden

Title: Regulation Changes: Commission General Regulation 473

Description: The Commission will consider amending Chapter 503 of the Nevada Administrative Code making it unlawful for a person to discharge a firearm, bow or crossbow within a certain distance of any occupied dwelling without the consent of the owner or occupant of the dwelling.

Presenter: Tyler Turnipseed, Chief Game Warden

CGR 473: Safe Hunting Distance. This proposed change would add a new section to NAC 503.

Over the years, we have had complaints from several parts of the state regarding hunters hunting in close proximity to residential areas and homes. These complaints have escalated in recent years with the increased urbanization of some parts of Nevada, especially in wildland interface areas where deer and other wildlife are living in and around residential neighborhoods.

The proposed regulation change would prohibit, for the purpose of hunting, the discharge of a shotgun, the release of an arrow from a bow, or the release of a bolt from a crossbow within 500 feet of an occupied dwelling without the consent of the owner or occupant of the dwelling.

The proposed regulation would prohibit the discharge of any other firearm for the purpose of hunting, within 1,500 feet of an occupied dwelling without the consent of the owner or occupant of the dwelling.

For the purposes of this regulation, “firearm” does not include an air pistol, air rifle or BB gun.

This regulation was initially drafted to resemble Carson City's ordinance which specifies distances of 1,000 and 5,000 feet respectively, but preliminary discussions revealed several unintended impacts of those distances around the state. We are now suggesting distances of 500 and 1,500 feet that more closely resemble Douglas County's ordinance.

The need for a statewide regulation on this issue is to give some consistency to different areas of the state that may have conflicting local ordinances or no ordinance at all. While several local jurisdictions have ordinances addressing this issue, most of them are silent on archery hunting which has caused several conflicts in recent years.

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB File No. R111-17

October 19, 2017

EXPLANATION – Matter in *italics* is new; matter in brackets ~~(omitted material)~~ is material to be omitted.

AUTHORITY: §1, NRS 501.105, 501.181 and 503.150.

A REGULATION relating to hunting; making it unlawful for a person, during any period in which he or she engages in hunting, to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires the Board of Wildlife Commissioners to adopt regulations necessary to preserve, protect, manage and restore wildlife and its habitat and to carry out the provisions of title 45 of NRS governing wildlife, including the manner and means of taking wildlife; and (2) sets forth the circumstances under which it is unlawful for a person to engage in hunting using certain bows, guns or rifles, unless otherwise specified by a regulation adopted by the Commission. (NRS 501.105, 501.181, 503.150) Existing law defines the term “hunting” to mean to “search for, pursue or attract any wildlife for the purpose and with the means of capturing, injuring or killing that wildlife, every attempt to capture, injure or kill wildlife, and every act of assistance to any other person in capturing, injuring or killing that wildlife.” (NRS 501.050) This regulation makes it unlawful for a person, during any period in which he or she engages in hunting, to discharge a firearm, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow within a certain distance of any occupied dwelling without the consent of the owner or occupier of the dwelling.

Section 1. Chapter 503 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. During any period in which a person engages in hunting, it is unlawful for the person:*
 - (a) Except as otherwise provided in paragraph (b), to discharge a firearm within 5,000 feet of any occupied dwelling without the consent of the owner or occupier of the dwelling; or*

(b) To discharge any shotgun, to draw or release an arrow from a bow or to draw or release a crossbow arrow or bolt from a crossbow, within 1,000 feet of any occupied dwelling without the consent of the owner or occupier of the dwelling.

2. As used in this section, "firearm" does not include an air pistol, air rifle or BB gun.

Carson City

8.12.010 - Discharge of firearms unlawful.

1. It is unlawful for any person to fire off or discharge:
 - a. Any gun, rifle, pistol or other firearm, with the exception of shotguns, air rifles and B-B guns, within five thousand feet (5,000&prime) of any dwelling, building or other place of public resort within Carson City;
 - b. Any shotgun, air rifle or B-B gun within one thousand feet (1,000&prime) of any dwelling, building or any other place of public resort within Carson City;
 - c. Any gun, pistol, rifle, shotgun, air rifle, B-B gun or other firearm in, on or across any public road or highway;
 - d. Any gun, rifle, pistol, shotgun, air rifle or other firearm, without exception, within five thousand feet (5,000&prime) of the Carson River in the area between Deer Run Road Bridge and the McTarnahan Bridge site;
 - e. Any gun, rifle, pistol or other firearm, with the exception of shotguns, air rifles and B-B guns, within five thousand feet (5,000&prime) of the Carson River in the area between the McTarnahan Bridge site and the Douglas County line; provided, however, that the other limitations of subsections (a) and (b) shall apply to discharge of firearms within this area.
2. It is unlawful for any person to discharge rifled slugs from a shotgun within five thousand feet (5,000&prime) of any dwelling, building or other place of public resort within Carson City.
3. This section does not apply to peace officers or to persons shooting in any regularly established and lawfully authorized and licensed rifle range, gun club or shooting gallery or to any person lawfully discharging a firearm in protection of life or property.

(Ord. 1995-44 § 1, 1995: Ord. 1993-31 § 1, 1993: Ord. 1993-2 § 1, 1993: Ord. 1985-8 § 1, 1985: Ord. 1973-37 (part), 1973).

Douglas County

9.68.030 Discharge of firearms

- A. It shall be unlawful for any person to discharge any firearm, gun, pistol, rifle, shotgun or other firearm across any county road or highway.
- B. It shall be unlawful for any person to discharge any gun, pistol, rifle or other firearm with the exception of shotguns or air rifles within one thousand five hundred feet of any dwelling occupied by any other person or persons within Douglas County without the permission of the occupant.
- C. It shall be unlawful for any person to discharge any shotgun or air rifle within five hundred feet of any dwelling occupied by any other person or persons within Douglas County without the permission of the occupant.
- D. This section shall not apply to peace officers, or to persons shooting in any regularly established and authorized rifle range, gun club or shooting gallery, nor to any person lawfully discharging a firearm in protection of life or property. (Ord. 384 §1, 1981)

Washoe County Congested Area Ordinances

The Washoe County Sheriff's Office would like to remind residents of county ordinances governing discharge of firearms in congested areas. Washoe County Code 50.094 to 50.154 states that it is unlawful to discharge:

- any gun, pistol, or rifle, with the exception of shotguns, air rifles, or B-B guns, within 5000 feet of an occupied dwelling.
- Shotguns, air rifles, or B-B guns within 1000 feet of an occupied dwelling.
- a firearm from, upon, over or across any federal or state highway or any county road or highway.
- a firearm within a Nevada State Park, unless otherwise designated by the Administrator.
- Within the jurisdiction of the U.S. Forest Service, it is prohibited to discharge a firearm in or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or across or on a National Forest System road or a body of water adjacent thereto, or in a manner or place whereby any person or property is exposed to injury or damage as a result in such discharge, or into or within any cave.

If shooters follow those parameters; they are generally allowed to shoot in any area not designated as a "no shooting" or "congested area." It is important to understand these four key points:

- A "congested area" is a geographic location where discharge of any firearm is prohibited. Because congested areas are generally densely populated, it has a high risk of personal injury.
- A "restricted congested area" is a location where residents must be a minimum of 1000 feet from any occupied dwelling. In restricted congested areas, residents are allowed to discharge shotguns, air rifles and BB guns. A person is not allowed to discharge any gun, pistol, rifle or any other firearm in this area.
- A "non congested area" is a location where residents must be 5000 feet away from an occupied dwelling. In these areas they may shoot guns, pistols, rifles, shotguns, air rifles, bb guns, or any other firearms.
- Residents are encouraged to practice safe shooting in established and lawfully authorized and licensed rifle ranges, gun clubs or shooting galleries.

If citizens have concerns about activity that may be illegal, or dangerous, they should immediately call the Sheriff's Office at 775-785-WCSO (9276).

For more information, residents can refer to the Sheriff's Office website: washoesheriff.com and click on the Congested Area Map. The link will provide them with the Washoe County Code, Chapter 50, and a live map highlighting restricted areas.

City of Reno

Sec. 8.18.025. - Discharge of firearms.

- (a) Preamble. The Reno City Council finds and declares as follows: For purposes of this ordinance, Nevada Revised Statutes and the prohibition on the discharge of firearms within the city limits, all areas within the city limits of the City of Reno are deemed to be populated areas.
- (b) It is unlawful for any person to discharge any gun, pistol or other firearm in or upon any of the public streets, highways, alleys or other public place, or in, upon or about any building, vacant lot, or anywhere within the limits of the city; provided that nothing herein shall prevent the establishment and running of a shooting gallery properly enclosed and permitted by license of the city council under an ordinance of the city; and provided further, that nothing herein shall apply to any sheriff, deputy sheriff, policeman or other peace officer, who shall discharge any pistol or firearm in the lawful exercise of the duties of his office.

(Ord. No. 4648, § 1, 7-9-96; Ord. No. 4894, § 1, 7-14-98)