

VIRGINIA: AT THE MEETING OF THE FIREARMS STUDY ADVISORY COMMITTEE TO THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, HELD IN THE MULTIPURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, 14016 BOYDTON PLANK ROAD, DINWIDDIE, VIRGINIA, ON THE 20th DAY OF MARCH, 2014, AT 7:00 P.M.

MEMBERS PRESENT:

DANIEL D. LEE, BOARD OF SUPERVISORS
DONALD T. ADAMS, SHERIFF
JIMMY CONNELLY
STEVE SCHMIDT
R.J. HOYLE
WAYNE LUCY
ANTHONY SIMMONS
SAM HAYES, PLANNING COMMISSION REPRESENTATIVE
DELORES BLAND
WILLIAM BLAND

ADMINISTRATION

PRESENT:

MAJOR WILLIAM KNOTT, DINWIDDIE COUNTY SHERIFF'S OFFICE
TYLER SOUTHALL, COUNTY ATTORNEY

I. Introduction and Call to Order

The meeting started approximately 15 minutes late, due to the late arrival of a Committee Member. Mr. Lee opened the meeting as Chairman, noting that it would be good to differentiate between those who were on the Committee and those citizens who were not on the Committee during the meeting. He noted that there would be discussion between Committee Members and then it would be open for public discussion.

II. Roll Call

Mr. Lee asked for a roll call of Committee Members. Messrs. Lee, Adams, Connelly, Schmidt, Hoyle, Lucy, Simmons, Hayes, and Bland were present as was Mrs. Bland. Mrs. Caruso and Mr. Shaw were absent.

III. Approval of Agenda

A motion to adopt the agenda was made and seconded. The agenda was adopted by voice vote.

IV. Approval of Minutes from January 9, 2014 Meeting

Mr. Lee noted that the minutes were sent in a packet, and he asked if there were any corrections that anyone would like to make. Mr. Southall pointed out some minor changes that had been made to the minutes. A motion to adopt the minutes was made and seconded. The minutes from the January 9, 2014 meeting were adopted by voice vote.

V. Report from Sheriff

Mr. Lee noted that at the last meeting the Sheriff had been asked to address items. The Sheriff noted that he had talked to the people shooting near the Bland's house. He said that when the neighbors found out that they could not use high powered rifles, they sent that gun back to South Carolina. The Sheriff indicated that the neighbors in question had agreed not to shoot. He regarded the matter as resolved. The Sheriff said that he had some recommendations. He said that he had looked at the laws and thought about the issues and was torn. He said that he wanted to be fair to all the citizens of Dinwiddie. He said that he had a couple of suggestions. His first recommendation was to table the issue for twelve to eighteen months and see what type of complaints came in. He said that he would have the Sheriff's Office keep records to report back to the Committee. He said that the fairest rule would be to adopt a "distance" rule. He pointed out that Fauquier County said that it shall be unlawful to discharge a firearm within 100 yards from any occupied dwelling without advance permission of the owner. The Sheriff noted that Hanover County and Chesterfield had similar rules. The Sheriff restated that if an ordinance was to be adopted, it should be one like this.

VI. Report from County Attorney

Mr. Southall noted that he had a short report to give. He had presented what is attached as Appendix A to the Committee. He noted that he presented the Committee with four different choices last time: (1) maintain the status quo, (2) create a distance requirement ordinance as the Sheriff had just discussed, (3) a stricter background ordinance, or (4) amending the noise ordinance. Mr. Southall noted that options (1) and (2) were easy to understand. Mr. Southall discussed Sections 3-59 through 3-69 of the Dinwiddie County Code. Mr. Southall noted that these sections had generated a fair amount of discussion last time. Mr. Southall walked the Committee through the aforementioned sections of the County Code. Mr. Southall noted that option (4), amending the noise ordinance, was not legally a good idea.

Mr. Southall noted that after the last Committee meeting, several members of the Committee had asked Mr. Southall to prepare a recommendation to the Board of Supervisors to repeal the "backdrop ordinance", Sections 3-59 through 3-69 of the County Code. Mr. Southall briefly discussed the history of this section of the County Code. Mr. Southall noted that Mr. Massengill, County Administrator, had informed Mr. Southall that the county had received two applications pursuant to these code sections since 2006. Mr. Southall noted that the County had not made much effort to enforce this ordinance in recent years in part based on the definitions.

At the request of several Committee members, Mr. Southall noted that he had prepared a recommendation to the Board of Supervisors as an action item to repeal Sections 3-59 through 3-69 of the Dinwiddie County Code.

Mr. Southall noted that one Committee Member had asked him to address four questions. The first question was what is allowed under the Dillon Rule with respect to the backdrop ordinance. Mr. Southall stated that he believed that the Dillon Rule allowed for the backdrop ordinance. The second question was what definition could be used for a target range. Mr. Southall gave a suggested definition of target range, but noted that it was a difficult issue to tackle. The third

question was what regulations could be imposed on target ranges as far as a backdrop is concerned. Mr. Southall noted the existence of “The NRA Range Source Book: A Guide to Planning and Construction”. He said a publication such as that could be referenced in an ordinance. The fourth question was whether a violation of the backdrop rule could be prosecuted as a civil penalty rather than a criminal penalty. Mr. Southall explained the difference between criminal and civil penalties. Mr. Southall noted that zoning ordinances could impose civil penalties, and he said that it would be delicate, but it might be possible to incorporate a backdrop ordinance into the zoning ordinance. Mr. Southall noted this would have to go through the Planning Commission.

Mr. Southall noted that if the Committee desired to recommend that the Board of Supervisors adopt additional regulations, the best route would be to adopt a “distance requirement.” Mr. Southall concluded his comments and asked if there were any questions. Mr. Lee asked what would happen if someone wanted to put in a commercial shooting range. Mr. Southall responded that it was not currently a permitted use under the zoning code. Mr. Lee discussed the difference between commercial shooting ranges and target shooting. Mr. Southall stated that charging admission would be a bright line rule between the two.

VII. Committee Member Comment Period

Committee members discussed the merits of distance requirements and backdrop requirements. One Committee member thanked the Sheriff for helping resolve the shooting issue at the Blands’ residence, and that it was good to try to resolve cases before approving new laws. The Sheriff noted that when he got a call, he looked to see if there was a safety issue. He noted that he could charge people with reckless handling of a firearm. The Sheriff noted that the backstop ordinance could be repealed. Ms. Bland talked about the complexity of regulations and said that individuals should have regard for others. Ms. Bland said that people needed to be courteous and use common sense. Sheriff Adams noted that this was a noise issue, but he noted that the Commonwealth’s Attorney and the County Attorney had said that the noise ordinance was not a good way to regulate firearms discharges. Mr. Hoyle noted that noise should be viewed as pollution and he said that the firearms issue should be viewed in a “civil sense” as this was really a noise issue and not a safety issue. Another Committee Member noted that they did not want to open Pandora’s box with a noise ordinance. Mr. Lee encouraged civic groups to encourage members to think about their neighbors when discharging firearms. Mr. Lee asked how much education of citizens had to play into this as we move forward on whether we do a distance ordinance. The Committee Members noted that there could be civil and criminal liability if people target shot without proper backstops. The Committee Members discussed the backdrop ordinance.

VIII. Citizen Comment Period

Raymond Rivers asked if people could shoot rapid fire legally. It was replied that people could shoot rapid fire. He was happy that the gentleman near the Blands’ was not shooting anymore, but he did note that there was rapid fire shooting last weekend.

Tom Worrel asked how far rifles penetrate.

Morris Wells stated that he thought it would be a good idea to have a commercial shooting range.

J.W. "Sonny" Crumpler stated that the recommendations by Sheriff Adams were good. He asked whether it would be a good idea for Parks & Recreation to set up a shooting range.

Anna Peagram noted that she agreed with Mrs. Bland and Mr. Rivers. She thought that it would be a good idea for someone to set up a target range.

Mr. Robert Hoyle asked a question about Virginia Code Section 15.2-1209, and how broad it was. Mr. Southall noted that the authorization of Section 15.2-1209 was fairly broad, and that it appeared that counties such as Fauquier had relied on this in developing their ordinances governing how close firearms could be discharged from others' dwellings.

The Sheriff was asked whether there were any "outstanding" "aggravated instances". The Sheriff noted that most of the time, the people discharging the firearms would understand that they were disturbing their neighbors, but that some people did not stop.

Mr. Southall was asked if there was anything that could be used to stop these "aggravated instances," and he replied that under the current County Code, there was not.

Mr. Burton T. Davis spoke and Mr. Lee agreed with him that there was a great deal of shooting in Dinwiddie that was considerate to neighbors. Mr. Lee said that he thought that the Committee needed to get data to make a good decision.

IX. Action Item: Decision re: Recommendation to Board of Supervisors and/or Future Meetings

There was a motion and a second to have the Committee recommend a study by the Sheriff. Mr. Southall clarified that the Committee would like to meet again in 12 months. There was a motion and a second. Mr. Lee asked if there was any discussion. Mr. Lee asked for a show of hands of all those in favor. The motion carried. Mr. Lee noted that the Committee would hear from the Sheriff when they got back together.

Mr. Hoyle made a motion regarding suggesting the repeal of Sections 3-59 through 3-69 to the Board of Supervisors. The motion was seconded. Mr. Lee stated that this motion would ask the Board of Supervisors to look into repealing Sections 3-59 through 3-69. Ms. Bland indicated that she would like this decision deferred. The Sheriff noted that if the backdrop ordinance was repealed and then the County realized that it needed the backdrop ordinance back, then it could readopt the ordinance at that point. Mr. Lee asked for those in favor and those opposed by a show of hands. The motion carried, with Ms. Bland being the only "no" vote.

Mr. Lee asked if there was any other business before the Committee.

X. Other Business

Mr. Hoyle thought that it might be helpful for the County Attorney to look into the definition of shooting range. Mr. Southall replied that if Sections 3-59 and 3-69 were repealed, then he did not think that the definition of shooting range would be pivotal.

Mr. Lee thanked everyone for coming to the meeting. He said that he thought Dinwiddie was proud of its rural character and was proud to have hunting as part of its heritage and the ability to shoot guns. He noted that with that there needed to be some responsibility associated with shooting.

Mr. Lee asked if anyone from the Committee would like to present their recommendation to the Board of Supervisors. It was decided that Mr. Lee would do so.

XI. Adjournment

Mr. Lee declared the meeting adjourned. The meeting lasted approximately one hour and eighteen minutes.

APPENDIX A



Dinwiddie County Attorney's Office

14016 Boynton Plank Road

Dinwiddie, VA 23841

Phone: (804) 469-4500

Fax: (804) 469-4503

To: Firearms Study Advisory Committee

CC: Board of Supervisors of Dinwiddie County, Virginia

From: Tyler Southall, County Attorney's Office

Date: March 14, 2014

Subject: Memo re: Meeting on March 20, 2014

I. Review of Last Meeting

On January 9, 2014 at 7 p.m., the Firearms Study Advisory Committee to the Board of Supervisors of Dinwiddie County, Virginia (the "Committee") met in the Multipurpose Room of the Pamplin Building. All Committee members were present, and the meeting was open to the public. Mr. Lee, who is the Chairman of the Committee, opened the meeting, and asked for a report from Sheriff Adams. Sheriff Adams outlined public concerns arising from the discharge of firearms. Next, Commonwealth's Attorney Lisa Caruso discussed difficulties with prosecuting certain discharges of firearms under current law. Mr. Lee asked me to give a presentation on different ordinances that the Committee could choose to recommend to the Board of Supervisors if the Committee chose to make such a recommendation. An overview of that discussion, which included a general overview of the law concerning local regulation of firearms discharges, as well as options for the Committee, is provided below with a little additional detail in some places.

a. Overview

The Dillon Rule. Virginia has chosen to follow Dillon's Rule. According to the Supreme Court of Virginia, Dillon's Rule states that localities "have only those powers that are expressly granted, those necessarily or fairly implied from expressly granted powers, and those that are essential and indispensable."¹ This principle sets up a general framework between the Commonwealth of Virginia and its localities where the Commonwealth is like the "parent" and the localities are like

¹ Board of Zoning Appeals of Fairfax County vs. Board of Supervisors of Fairfax County, 276 Va. 550, 553-54.

“children”. The localities can only do what the Commonwealth allows them to do. There are a number of statutes that apply in the firearms arena that either give localities permission to regulate firearms or prohibit localities from regulating firearms.

“You Shall Not”—Instances Where the Commonwealth Forbids Local Regulation.

Virginia Code Section 15.2-915 is very clear that some types of local regulation of firearms are forbidden. Section 15.2-915 clearly states that a County cannot adopt or enforce an ordinance “governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute.” Virginia Code Section 15.2-917 states that a locality “shall [not] subject a sport shooting range to noise control standards more stringent than those in effect at [the] effective date [of the ordinance imposing the noise control standards].”²

“You May”—Instances Where the Commonwealth Allows for Local Regulation.

Virginia Code Section 15.2-1209 allows for counties to “prohibit the outdoor shooting of firearms or arrows from bows in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof.” Section 15.2-1200 is a more general enabling ordinance that allows a county to “adopt such measures as it deems expedient to secure and promote the health, safety and general welfare of its inhabitants which are not inconsistent with the general laws of the Commonwealth.” Section 15.2-1200 has often been used to support ordinances with regulations that are intended to promote ordinances concerning issues of health and safety.³

b. Options

On January 9, the following four options were presented to the Committee: (i) recommend maintaining the status quo, (ii) recommend a distance requirement pursuant to Virginia Code Section 15.2-1209, (iii) implementing a stricter “backdrop rule”, or (iv) amending the noise ordinance.

² Other instances where the Commonwealth forbids local regulation of firearms include Section 15.2-915.1, which, with certain exceptions, prohibits localities from bringing lawsuit against firearms manufacturers and Section 15.2-915.5, which prohibits localities from participating in certain firearms buyback programs, unless they have enacted an ordinance.

³ Other instances where the Commonwealth expressly allows regulation of firearms are Section 15.2-915.2 (which permits a city or county to enact an ordinance prohibiting people from transporting, possessing, or carrying a loaded shotgun or loaded rifle on any public street, road, or highway within such locality), Section 15.2-915.4 (which allows localities to prohibit the shooting of pneumatic guns and adopt certain related rules), Section 15.2-917 (which allows a locality to prohibit shooting with certain bows), Section 15.2-918 (which allows a locality to prohibit or regulate the use of air cannons, carbide cannons, or other loud explosive devices which are designed to produce high intensity sound percussions for the purpose of repelling birds). Section 15.2-1209.1 (which allows counties to adopt ordinances making it unlawful to “carry or have in his possession, for the purpose of hunting, while on any part of a public highway within such county a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking; and to provide a penalty for violation of such ordinance not to exceed a fine of \$100), and Section 15.2-1210 (which allows a county to prohibit hunting within one-half mile of heavily populated areas of the county).

(i) Maintain the Status Quo. The first option presented was to maintain the status quo. This path is straightforward and would mean that the Committee would recommend that no new ordinance be adopted.

(ii) Distance Requirement. The second option presented was to adopt some form of a distance requirement under Virginia Code Section 15.2-1209. As discussed above, Section 15.2-1209 permits counties to “prohibit the outdoor shooting of firearms or arrows from bows in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof.” Counties that enact ordinances pursuant to Section 15.2-1209 often choose to protect populated areas by ordaining that firearms may not be discharged within X feet of (i) the dwelling place of another or (ii) a public building. Some counties, such as Chesterfield, Fauquier, Hanover and Suffolk, have applied their Section 15.2-1209 ordinances to the entire county, while others, such as Amherst, Greene, Stafford, Westmoreland, Henrico, Spotsylvania, James City and New Kent have applied their Section 15.2-1209 ordinances to only more densely populated parts of the county. A copy of the Section 15.2-1209 ordinances of the aforementioned counties is attached hereto as Exhibit A.⁴

Counties choosing to implement regulation under Section 15.2-1209 must provide an exception for certain killing of deer, and such exemption shall apply to firearms on agriculturally-zoned land of at least five acres and to arrows shot from bows on agriculturally-zoned land of at least two acres.

(iii) Stricter “Backdrop Rule”. Currently, Dinwiddie County Code Sections 3-59 through 3-69 require as follows:

- **Violations a Class One Misdemeanor.** Section 3-59 states that violations of Sections 3-59 through 3-69 constitute a class one misdemeanor.
- **Construction Requirements.** Section 3-60: “The physical construction of any target range or shooting range in the county shall be in accordance with rules and regulations promulgated by the board of supervisors, which rules and regulations may be changed from time to time.”
- **Approval Required.** Section 3-66: “It shall be unlawful for any person to construct or operate any rifle, pistol or shotgun range within the county without written approval by the county administrator.”
- **Application Details.** Section 3-67: “Application for approval of target range [sic] shall be submitted to the county administrator, on forms obtained from his office.
- **Grant or denial.** Section 3-68: “The county administrator, in his discretion shall grant or deny his approval of the target range described in the application submitted under section 3-67.”
- **Annual Renewal Required.** Section 3-69: “Approval for the construction or operation of a target range, if granted by the county administrator, shall be

⁴ The Board of Supervisors could also word the ordinance to invite subdivisions or areas of land to come and apply to have the distance requirement apply to them. *See* James City County Code Section 15-36(c).

issued for a period of 12 months and renewed, at the option of the county administrator, upon proper application as provided by this division.”

The “Stricter Backdrop Rule” option would entail providing a thorough definition of the terms “target range” and “shooting range” and spell out detailed requirements for the backdrop of such a target range or shooting range. Such requirements would have to be met in order for a “target range” or “shooting range” to be used.

Potential Drawbacks of “Stricter Background Rule” Option. A stricter backdrop rule might be underinclusive: it does not necessarily alleviate noise concerns as a backdrop may do virtually nothing to alleviate the noise associated with firearms discharges. A stricter backdrop rule might also be over-inclusive: it might apply to someone who did target shooting on their remote farm, far away from endangering anyone else.

On January 9, I noted that if the Committee decided to explore the “Stricter Background Rule” option, more research would be required.

(iv) Amend the Noise Ordinance. A full copy of Dinwiddie County’s noise ordinance is attached as **Exhibit B**. An attempt to expand the noise ordinance to cover repeated firearms discharges would encounter significant legal difficulties. Virginia courts have held that a noise ordinance must be objective rather than subjective.⁵ This means that noise ordinances must have measurable standards that constitute a violation. Thus, a noise ordinance may prohibit “noise over 70 decibels that occurs at least three times over the course of two minutes” or “noise that is plainly audible inside the confines of a dwelling place.” The problem with an objective standard in a noise ordinance aimed at decreasing noise from firearms discharges is that it would prohibit noises that were not intended to be prohibited, including firearms discharges in rural areas, far away from anyone. The Commonwealth Attorney and I agree that amending the Noise Ordinance would not be advisable.

c. Direction to Staff

Although Mr. and Mrs. Bland advocated for a regulation to prevent the discharge of firearms near people’s houses in more densely populated areas, the Committee in general expressed hesitancy about creating new regulations. The Committee also generally expressed a concern that (i) Sections 3-59 through 3-69 of the County Code were unclear about the definition of “target range or shooting range” and (ii) the discretion granted to the County Administrator in Section 3-68 was too broad. Several Committee members asked the County Attorney to prepare a repeal of Sections 3-59 through 3-69 for the Committee to recommend to the Board of Supervisors at the next meeting.

II. Discussion of Backdrop Ordinance (County Code Sections 3-59 through 3-69)

a. History of Sections 3-59 Through 3-69

⁵ See *Tanner v. City of Virginia Beach*, 674 SE 2d 848 (Va. 2009).

Sections 3-60 through 3-69 of the County Code date back to at least 1970. Sections 3-66 through 3-69 were amended in 1990. Prior to 1990, any applicant for a target range had to be approved at a Board of Supervisors meeting, and, in December 1990, the Board of Supervisors amended the ordinance to delegate the responsibility of approving target ranges to the County Administrator. The board minutes from December 1990 are brief but indicate that “[t]he Assistant County Administrator advised the Board that this change would include all target ranges, not just turkey shoots,” which seems to indicate that in 1990, the definition of “target range” was a broad one.

b. Are Sections 3-59 Through 3-69 Ever Used?

At some point after 1990, it appears that applications for approval of shooting/target ranges virtually ceased. The County Administrator, Mr. Massengill, indicated that he had seen approximately two requests for applications pursuant to Sections 3-59 through 3-69 since he became County Administrator in 2006. At present, it is unclear exactly what constitutes a “shooting range or a target range.” Shooting at old soda cans occasionally on the back corner of a farm might not constitute a “shooting range or target range”, but a commercial shooting range certainly would constitute a “shooting range or target range”. At least in part because of the lack of a clear definition of “target or shooting range,” the County has made no effort to enforce the ordinance in recent years, and a violation is a class one misdemeanor. Although it is clear that a commercial target/shooting range would have to abide by Sections 3-59 through 3-69, commercial shooting ranges are not currently allowed by the Dinwiddie County Zoning Ordinance. Turkey shoots are generally required to go through a special event permit process.

c. Are Sections 3-59 Through 3-69 Permissible under the Dillon Rule?

Virginia Code Section 15.2-1200 states that “[a]ny county may adopt such measures as it deems expedient to secure and promote the health, safety and general welfare of its inhabitants which are not inconsistent with the general laws of the Commonwealth.” Because County Code Sections 3-59 through 3-69 aim to secure the safety of the inhabitants of Dinwiddie County, Sections 3-59 through 3-69 are permitted by the Dillon Rule; however, if the County does decide to keep Sections 3-59 through 3-69, it should provide a more detailed definition of shooting/target range as well as specifications that have to be met in order for the County Administrator to give his approval.

III. Discussion of Action Item – Potential Recommendation for Repeal of Sections 3-59 through 3-69 to Board of Supervisors

At the January meeting, several Committee members asked that I bring back materials for the Committee to use to recommend a repeal of Sections 3-59 through 3-69 to the Board of Supervisors. **Exhibit C**, which is attached, includes such a recommendation. The Committee may wish to appoint someone to act as its spokesperson to the Board of Supervisors. It is important to note that although Sections 3-59 through 3-69 have not been the subject of recent enforcement, the initial intent appears to be broad (see Section II.A, above), and if they were to be repealed, then the County would no longer have the option of interpreting the language broadly and seeking to enforce it.

IV. Discussion of Alternative Path (at Request of a Committee Member)

As discussed above, in Sections I.B.iii and II.C above, the Committee has the option of recommending to the Board of Supervisors that, instead of repealing Sections 3-59 through 3-69 of the Dinwiddie County Code, Sections 3-59 through 3-69 be supplemented with a detailed definition of target/shooting range and a detailed list of requirements of what constitutes a proper backstop. I was asked by one Committee member to address four questions:

1. What is allowed under the Dillon Rule? As discussed above, I believe that the Dillon Rule allows for a "Backdrop Rule" under Section 15.2-1200.
2. What definition could be used for target range? A target/shooting range could be defined in a number of different ways, but it would need to be specific enough so that everyone can understand what is covered. One possible definition could be as something similar to the following: "Shooting Range: An area or structure (whether or not private or commercial) (i) designed or (ii) actually used for any discharge of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. Notwithstanding the foregoing, no area or structure shall be deemed a shooting range if firearms are discharged there less than [12 times per week] [would need some definition here—12 times per week is just one possibility]."
3. What regulations could be imposed on target ranges as far as a backdrop is concerned? Target/shooting ranges could be required to be constructed in accordance with the guidelines specified in *The NRA Range Source Book: A Guide to Planning and Construction*, which is published by the National Rifle Association.
4. Could a violation of a "Backdrop Rule" be prosecuted as a civil penalty rather than a criminal penalty? Civil penalties are only allowed in certain instances under the Code of Virginia. The only way that I am aware of that a violation of the "Backdrop Rule" could be prosecuted as a civil penalty rather than a criminal penalty is if the "Backdrop Rule" was put into the County Zoning Ordinance and the County adopted civil penalties for the zoning ordinance as set forth in Virginia Code Section 15.2-1209. Currently, the Dinwiddie County Zoning Ordinance does not allow for civil penalties, and it would have to be amended.

If the Committee were to choose to advise the Board of Supervisors to adopt additional regulations on the discharge of firearms, an additional method would be to implement the "Distance Requirement", as further described in Section I.B.ii above. This option is the most popular for counties that desire regulation of firearms discharges near occupied areas and would probably achieve the desired objective with fewer unintended consequences.

EXHIBIT A

Amherst County

Sec. 10-7. - Prohibition of the shooting of firearms in certain areas of Amherst County.

- (a) *Prohibited.* It shall be unlawful to shoot firearms in Election District 5 except as hereinafter set out in this section; the said district is more particularly described as follows:

Beginning at the confluence of William's Run Creek with the James River; thence in a northerly direction along William's Run Creek to Route 622; thence in an easterly direction on Route 622 to Route 833; thence in a northeasterly direction on Route 833 to Route 622; thence in a northerly direction on Route 622 to Route 677; thence in a northerly direction on Route 677 to Route 669; thence in a northwesterly direction on Route 669 to Route 1331; thence in a southeasterly direction on Route 1331 to its dead end; thence in a westerly direction to Route 783; thence in a northerly direction on Route 783 to Route 1341; thence in a westerly direction on Route 1341 to Route 1329; thence in a southerly direction on Route 1329 to Route 682; thence in a westerly direction on Route 682 to Route 29; thence in a southerly direction on Route 29 to Route 766; thence in a westerly direction Route 766 to Buck's Branch; thence in a southerly direction on Buck's Branch to the James River; thence in a southerly direction on the James River to William's Run Creek; the point of beginning.

- (b) *Definition.*

Firearm means any handgun, pistol, shotgun, or rifle which expels a projectile by action of an explosion.

(c) *Exemptions.* This section shall not apply to persons shooting firearms in the lawful defense of themselves, other persons, or their property or where shooting is done by persons at a facility or event properly licensed to allow shooting. Further, this section shall not apply to the shooting of shotguns on private land where such shooting is at a distance of greater than one hundred (100) yards to the boundary of any adjoining landowner including the State of Virginia or any subdivision thereof.

(d) *Punishment.* Each violation of this section shall constitute a class 1 misdemeanor and shall be punishable by confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both.

(Ord. of 4-7-92)

Editor's note—

An ordinance adopted Apr. 7, 1992, did not specifically amend this Code, hence inclusion as § 10-7 was at the discretion of the editor.

Berryville

Sec. 18-2. - Discharge of firearms.

- (a)

It shall be unlawful and a Class 1 misdemeanor for any person to willfully fire or discharge a gun, rifle, pistol or other firearm in the town.

- (b)

Fauquier County

*See
amending
Ord. 92*

Sec. 15-14. - Discharge of firearm within one hundred yards of occupied structure.

It shall be unlawful to discharge any firearm within one hundred (100) yards of any regularly occupied structure without advance permission of the owner or occupant.

(Ord. No. 91-10, 12-17-91; Ord. No. 11-7, 11-10-11)

Greene County

Sec. 54-1. - Discharge of firearms.

(a)

Prohibited areas. The discharge of firearms, air-operated or gas-operated weapons of any nature whatsoever shall be prohibited in the following areas: Locust Lane Subdivision and the adjoining R-2 zoning district in Midway Acres Subdivision, more fully described in an exhibit filed with a copy of the ordinance from which this section derives in the office of the county administrator.

(b)

Exceptions. No law enforcement officer in the discharge of his lawful duties nor any other person discharging a firearm within the areas described in subsection (a) of this section, in defense of persons or property as otherwise permitted by law, shall be deemed to have violated this section.

(c)

Penalty for violation of section. Any person violating this section shall be guilty of a Class 3 misdemeanor.

(d)

Enforcement. All law enforcement officers authorized to act as such within the county shall have the power to enforce this section including, but not limited to, all duly appointed and acting game wardens.

(Ord. of 3-13-90, §§ 2—5)

State law reference— Authority for above section, Code of Virginia, § 15.1-518.

Hanover

Sec. 24-4. Discharging weapons in or along roads, etc.

If any person discharges or shoots any firearm or other weapon in or along any public road or street or within one hundred (100) yards thereof or within one hundred (100) yards of any building occupied or used as a dwelling or place where the public gathers, not his own dwelling or residence, except in the lawful defense of his own person or property or that of a member of his family, he shall be guilty of a Class 1 misdemeanor.

(Code 1964, § 10-3)

Cross reference— *Penalty for Class 1 misdemeanor, § 1-11; discharging firearms at county landfill, § 18-18(1).*

State law reference— *Similar provisions, Code of Virginia, § 18.2-280; authority of county to prohibit discharge of weapons in certain areas, § 15.1-518.*

James City

- Notes

- ① can discharge if other permission
- ② Allow pellets by homeowner

Sec. 15-36. Discharge of firearms, etc., in certain areas; exceptions.

(a) It shall be unlawful for any person to discharge any firearms or pneumatic gun in the county in or within 300 feet of any dwelling, commercial building or shelter for animals, except with the prior written permission of owner or tenant, in or within 50 feet of the boundaries of any recorded subdivision, or in a manner which causes ammunition to cross such areas. ①

(b) For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them below:

Ammunition. A cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

Commercial building. Any structure which requires the issuance of a certificate of occupancy under the Virginia Uniform Statewide Building Code and is used or is intended to be used for commerce.

Dwelling. Any structure which is designed for use for residential purposes, including, but not limited to, a mobile home.

Firearm. Any weapon in which ammunition may be used or discharged by explosion or pneumatic pressure.

Owner. One or more persons, jointly or severally, in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises.

Pneumatic gun. Any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. Pneumatic gun includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

Recorded subdivision.

a. Any subdivision of property into two or more lots (i) which occurred after August 31, 1964; (ii) has a plat recorded in the county's circuit court clerk's office; and (iii) where the new lots created are to be used for residential or commercial purposes.

b. The following subdivisions divided prior to August 31, 1964, as shown on the map titled James City County Pre-August 1964 Subdivisions Prohibited from Discharging Firearms, dated September 20, 2011:

Belen Heights, Benel Corp, Birchwood Park, Boughsprings, Bozarth & Mahone/Mahone & Bozarth, Canterbury Hills, Chickahominy Haven, Colonial Park, Colonial Terrace, Cypress Point, D. Warren Marston, Dandridge Davenport & Piggott, Druid Hill, Eustis Terrace, Farmville Estates, First Colony, Frank Anderson, Frank Armistead, Haley & Whitehall, Harwood, Holly Brook, Holly Hill, Indigo Park, Indigo Terrace, James Terrace, James Wesley Jones (Estate), Jamestown Farms, John Henry Lee, Kingswood, Levi & Lettie Wallace, Magruder Heights, Magruder View, Marl Hills (Lakewood), Neck-O-Land Hundred, Norge, Norvalia, Poplar Hall Plantation, Powhatan Springs, Rado Banks, Raleigh Square, Riverview Plantation, Sadie Taylor, Schuyler & Troy Smith, Signor Bradby, Shellbank, Solomon Orange, Steers (Hickory Signpost), Steers (Jamestown Road), Stephens, Sycamore Landing, Temple Hall Estates, The Colony, Thomas & Hattie Kearney, Toano Terrace, Washington Jones (Estate), Winston Terrace, and Yearda Lee Smith.

c. Any subdivision where two thirds of the lot owners have petitioned the board of supervisors to be included within the boundaries of the prohibition on the discharge of firearms, and such petition has been approved by resolution.

d. Recorded subdivision shall not include property divided pursuant to family subdivision, condemnation, or other board of supervisors' approved subdivision of property.

Shelter for animals. Any building designed or intended for the shelter, housing or enclosure of any animals, livestock or poultry.

Tenant. A person entitled under a rental agreement to occupy a dwelling to the exclusion of others.

(c) It shall be unlawful for any person to discharge a rifle, shotgun rifled slug or muzzle-loading rifle (except a rifle .22 caliber or smaller, a muzzle-loading rifle .36 caliber or smaller, or a shotgun) anywhere in the county unless such person is on a stand elevated at least ten feet above the ground. This paragraph shall not apply to any person discharging a rifle in a permitted area to hunt groundhogs on land zoned A-1, General Agricultural District, between March 1 and September 1.

(d) The prohibition contained in this section shall not apply to the following:

- (1) The discharge of firearms in a private basement, cellar or target range, provided that such target range has sufficient background or backstop to ensure that ammunition will not travel more than 300 feet beyond the target range.
- (2) The discharge of weapons in defense of one's life or to kill any dangerous animal.

- (3) The discharge of weapons by any duly authorized peace officer, law enforcement official or military personnel acting in the performance of his duties.
- (4) The discharge of a weapon by any person participating in a hunt for which a permit or management plan for controlled wildlife reduction has been issued or developed by the Virginia Department of Game and Inland Fisheries; such hunt shall also be approved by the James City County Chief of Police, who shall review the action plan for such a hunt to provide for the health, safety and welfare of residents and participants. Such review shall include, but not be limited to, the area in which the weapons may be discharged; the caliber of the weapons to be used; measures to be implemented to keep nonparticipants in the hunt from entering the area; the number of participants; and the days and hours of such a hunt.
- (5) The use of pneumatic guns (i) at facilities approved for shooting ranges; (ii) on property where firearms may be discharged; and (iii) on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

(e) It shall be unlawful for any minor under the age of 16 to use a pneumatic gun on private or public property unless such minor is under the supervision of a parent, guardian, or other adult supervisor approved by a parent or guardian of such minor. Minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun on private property with the consent of the owner. Any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations, and restrictions governing such use.

(f) Pneumatic gun offenses shall be punishable as a Class 3 misdemeanor.
(Ord. No. 79, 5-13-74; Ord. No. 56A-6, 3-4-91; Ord. No. 56A-7, 12-6-93; Ord. No. 56A-8, 8-1-94; Ord. No. 56A-14, 9-11-07; Ord. No. 56A-18, 9-27-11)

State law references-General powers of counties, Code of Va., § 15.2-1200; shooting of firearms, or arrows from bows, in certain areas prohibited, Code of Va., § 15.2-1209; hunting in certain areas prohibited, Code of Va., § 15.2-1210; regulation of pneumatic guns, Code of Va., § 15.2-915.4; regulation of compound bows, crossbows, longbows, and recurve bows, Code of Va., § 15.2-916.

Sec. 15-37. Guest register generally.

(a) Every person conducting any lodging place in the county shall at all times keep and maintain therein a guest register, in which shall be inscribed, electronically, or with indelible ink, the name and home address of each guest or person renting or occupying a room or camping space therein, as well as the guest's vehicle description and license plate information. Such register shall be signed by the person renting a room or camping space, or by someone signing by his or her authority or the person's identity is electronically verified. The proprietor of such lodging place, or his or her agent, shall thereupon enter or write, electronically, or with indelible ink, opposite such name so registered, the number of each room or camping space assigned to and occupied by such guest, together with the date(s) when such room or camping space is rented. Until all of the aforesaid entries have been made in such register, no guest shall be suffered or permitted to occupy any room in such lodging place. When the occupant of a room or camping space so rented vacates and surrenders the same, it shall be the duty of the proprietor of the lodging place, or his or her agent, to maintain for one year, a record of the date(s) when such room or camping space was vacated and surrendered.

(b) The register required by this section shall be subject to inspection at any and all reasonable times by any public safety officer in the performance of his or her duties.

New Kent County

Sec. 46-221. - Discharge of firearms in residential subdivisions.

It shall be unlawful for any person to shoot or discharge any pistol, gun, rifle or firearm of any kind, except in the lawful defense of his person or property in any residential area in the county; provided, however, that this section shall not apply to any member of the armed forces of the United States or this state or to any law enforcement officer while lawfully acting in the performance of official duty.

(Code 1999, § 12-42)

Cross reference— *Subdivisions, ch. 90.*

State law reference— *Willfully discharging firearms in public places, Code of Virginia, § 18.2-280.*

Spotsylvania County

Sec. 14-8. - Discharging firearm in subdivision.

It shall be unlawful and a Class 1 misdemeanor for any person to discharge or shoot any firearm in any subdivision of the county. This section shall not apply to law enforcement officers, animal wardens or to any person acting in defense of his or another's person or property.

(Code 1980, § 12-7; Ord. No. 14-15, 10-11-11)

Editor's note—

Ord. No. 14-15, adopted October 11, 2011, changed the title of section 14-8 from "Discharging firearm or gas or air gun in subdivision" to "Discharging firearm in subdivision." The historical notation has been preserved for reference purposes.

Cross reference— Penalty for Class 1 misdemeanor, § 1-11; subdivisions, Ch. 20.

State law reference— Authority for above section, Code of Virginia, § 15.1-518.

Sec. 14-10. - Same—Discharging firearms or shooting arrows from bows.

- (a) No person shall discharge any firearm within the county within 600 feet of a (i) dwelling of another; (ii) business establishment; (iii) public building; (iv) public gathering; or (v) public meeting place.
- (b) As to firearms, this section shall not apply to a (i) law-enforcement officer in the performance of his official duties; (ii) any person whose discharge of a firearm is justifiable or excusable at law in the protection of life or property; (iii) the discharge, on land of at least five acres that is zoned for agricultural use, of a firearm for the killing of deer pursuant to Code of Virginia, § 29.1-529; (iv) the discharge of a firearm that is otherwise specifically authorized by law; (v) the discharge of black powder firearms using blanks as part of historical re-enactments, historical living history programs and historical demonstrations; (vi) the discharge of starter blank weapons to initiate athletic competitions; or (vii) ceremonial and patriotic displays.
- (c) Except for target shooting, no person shall shoot an arrow from any bow within the county within 150 feet of a (i) business establishment; (ii) public building; (iii) public gathering; (iv) public meeting place; or (v) dwelling of another, except that the 150-foot limitation shall not apply if the dwelling owner or occupant has given permission.
- (d) As to shooting arrows from bows, this section shall not apply to shooting an arrow from a bow for the killing of deer pursuant to Code of Virginia § 29.1-529 on land of at least two acres that is zoned for agricultural use.
- (e) For purposes of this section, *bow* includes all compound bows, crossbows, longbows and recurve bows having a peak draw weight of ten pounds or more. The term *bow* does not include bows that have a peak draw of less than ten pounds or that are designed or intended to be used principally as toys. The term "arrow" means a shaft-like projectile intended to be shot from a bow.
- (f) Any person violating the provisions of this section shall be punishable by a fine of not more than \$1,000.00.

(Code 1978, § 15.1-22.3; Ord. of 9-21-05(1), § 1; Ord. of 12-13-06(2), § 1; Ord. of 2-24-10(2), § 1)

State law reference— Authority of county to adopt this section, Code of Virginia, § 15.2-1209.

Editor's note—

Ord. of 2-24-10(2), § 1, amended § 14-10 title to read as herein set out. Former § 14-10 title pertained to similar subject matter.

Stafford County

Sec. 26-17. - Prohibited shooting.

It shall be unlawful for any person willfully to shoot or discharge any firearm or bow within or into any of the shooting-prohibited areas of Stafford County, designated as such in section 26-18, following.

(Ord. No. 085-18, § 27-10, 5-7-85)

Sec. 26-18. - Designation of shooting-prohibited areas.

(a)

Generally. The following areas in Stafford County shall be designated as shooting-prohibited areas, subject to the prohibitions contained in section 26-17

(1)

Lake Arrowhead: Beginning at the intersection of Garrisonville Road (State Route 610) and Lake Arrowhead Drive; thence southerly along Lake Arrowhead Drive to its intersection with Hillcrest Drive; thence southerly along Hillcrest Drive to its intersection with Van Horn Lane; thence easterly along Van Horn Lane to its intersection with Forest Drive; thence southerly along Forest Drive to Beech Drive; thence westerly along Beech Drive to its intersection with Boundry Drive; thence westerly along Boundry Drive to its intersection with Lake View Drive; thence northeasterly along Lake View Drive to its intersection with Arrowhead Drive. This zone includes all roads which are interior to Lake Arrowhead Subdivision.

(2)

Garrisonville: Beginning at the intersection of Austin Run and I-95; thence northerly along I-95 to Aquia Creek; thence westerly along Aquia Creek to its intersection with Joshua Road (State Route 643); thence southerly along Joshua Road to its intersection with Garrisonville Road (State Route 610); thence westerly along Garrisonville Road to its intersection with Joshua Road; thence southerly along Joshua Road to its intersection with Saint George's Drive; thence southwesterly along Saint George's Drive crossing an unnamed creek to Choptank Road; thence southerly along Choptank Road to Mountain View Road (State Route 627); thence southeasterly along Mountain View Road to Shelton Shop Road (State Route 648); thence northeasterly to Winding Creek Road (State Route 628); thence southeasterly along Winding Creek Road to Austin Run; thence easterly along Austin Run to I-95.

(3)

Aquia: Beginning at I-95 and Aquia Creek; thence easterly along Aquia Creek to its intersection with Jefferson Davis Highway (U.S. Route 1); thence northeasterly along Jefferson Davis Highway to its intersection with Telegraph Road (S.R. 637); thence northeasterly along Telegraph Road until its intersection with an unnamed tributary to Aquia Creek; thence easterly along unnamed tributary to its intersection with a straight line extending in a northwesterly direction from Bosun Cove; then southeasterly along said line and Bosun Cove until its intersection with Harpoon Drive; thence southeasterly along Harpoon Drive to Beacon Cove; thence southerly along Beacon Cove back to its intersection with Harpoon Drive; thence southerly along Harpoon Drive to its intersection with Lighthouse Cove and Bulkhead

Cove back to their intersection with Harpoon Drive; thence southwesterly along Harpoon Drive to its intersection with Titanic Drive; thence southeasterly along Titanic Drive to Aquia Creek; thence easterly along Aquia Creek to the RF&P Railroad track; thence southeasterly along the RF&P Railroad track to Courthouse Road (S.R. 630); thence westerly along Courthouse Road to I-95; thence northerly along I-95 to Aquia Creek. This shooting-prohibited area includes all roads interior to Aquia Harbour Subdivision.

(4)

South Stafford: Beginning at I-95 and Warrenton Road (State Route 17); thence easterly along Warrenton Road to Musselman Road; thence southerly along Musselman Road to Steely Lane; thence easterly along Steely Lane to Old Forge Drive; thence northerly along Old Forge Drive to Warrenton Road; thence easterly along Warrenton Road to its intersection with Lendall Lane; thence southerly along Lendall Lane to its intersection with Ingleside Drive; thence westerly and easterly along Ingleside Drive; thence easterly along Ingleside Drive to its intersection with Washington Street; thence easterly along Washington Street to River Road; thence easterly along River Road to Kings Highway (State Route 3); thence easterly along Kings Highway to Leonard Street; thence southerly along Leonard Street to Mimosa Street; thence easterly along Mimosa Street to Rumford Road; thence northerly along Rumford Road to Kings Highway; thence easterly along Kings Highway to a stream leading from Lake Carroll; thence northerly along said stream to Lake Shore Drive; thence northerly along Lake Shore Drive to Carroll Circle; thence easterly from Carroll Circle to Ashbury Drive (inclusive of all the streets within Briarwood Estates Subdivision); thence easterly along Ashbury Drive to its intersection with Colebrook Road (State Route 682); thence westerly along Colebrook Road to its intersection with Ferry Road (State Route 606); thence westerly along the south side of Ferry Road to its intersection with Braddock Drive; thence northerly along Braddock Drive to Claiborne Run; thence northeasterly along Claiborne Run to its intersection with Town and Country Drive; thence northerly along Town and Country Drive to its intersection with White Oak Road (State Route 218); thence easterly along White Oak Road to Kendallwood Drive; thence northerly along Kendallwood Drive to its intersection with Karen Terrace; thence westerly along Karen Terrace to its intersection with Sebastian Road; thence northerly and southerly along Sebastian Road (all inclusive of Sebastian Road) to its intersection with Matthew Lane; thence easterly along Matthew Lane to its intersection with Kendallwood Drive; thence southerly along Kendallwood Drive to its intersection with White Oak Road; thence westerly along White Oak Road to its intersection with Little Whim Road (State Route 669); thence northerly along Little Whim Road to its intersection with Roger Street; thence westerly along Roger Street to its intersection with Edwards Drive; thence northerly along Edwards Drive to its intersection with Deacon Road; thence westerly along Deacon Road to its intersection with Leeland Road (State Route 626); thence northerly along Leeland Road to its intersection with Morton Road (State Route 624); thence westerly along Morton Road to its intersection with Forbes Street (State Route 627); thence southerly along Forbes Street to its intersection with Manning Drive (State Route 1005); thence westerly along Manning Drive to its intersection with Jefferson Davis Highway (U.S. Route 1); thence southerly along Jefferson Davis Highway to Warrenton Road; thence westerly along Warrenton Road to its intersection with I-95.

(5)

Widewater: Beginning at Aquia Creek and the RF&P Railway; thence northeasterly along the RF&P Railway to railroad Mile Marker 73; thence in an easterly direction to the Potomac River; thence south along the bank of the Potomac River to Brent Point; thence westerly along the bank of the Potomac River to Simms Point; thence north and northwesterly along the bank of Aquia Creek to the RF&P Railway.

(b)

Contiguous areas. Upon an individual request by the owner(s) of a parcel contiguous to any shooting-prohibited area, or upon a joint request by the owner(s) of all of the parcels which taken as a whole would be contiguous to any shooting-prohibited area, the board of supervisors shall consider the expansion of the shooting-prohibited area to include such land. Such land shall not be included until a public hearing is held.

(c)

Neighboring but not contiguous property. Upon petition by the owner or owners of fifty (50) or more parcels of neighboring but not necessarily adjoining land, the board of supervisors shall annually consider the establishment of additional shooting-prohibited areas if the following criteria are met:

(1)

The new shooting-prohibited area is favored by fifty-five (55) percent or more of the owners of the individual parcels to be incorporated;

(2)

The shooting-prohibited area is favored by the owners of fifty-five (55) percent or more of the total acreage in such area;

(3)

The proposed shooting-prohibited area is sufficiently defined by name or boundaries to be identifiable by the public; and

(4)

The failure to create a shooting-prohibited area would permit conduct that is dangerous to the inhabitants of the area.

No area shall be designated as a shooting-prohibited area under this subsection until a public hearing is held.

(Ord. No. 085-18, § 27-11, 5-7-85; Ord. No. 089-36(R), 8-1-89; Ord. No. 091-77(R), 12-10-91; Ord. No. 095-13, 3-7-95; Ord. No. 004-09, 5-4-04)

Sec. 26-19. - Exceptions.

The prohibitions and other terms of this article shall not apply to the following:

(1)

The discharge of firearms or bows on any approved target, trap, skeet or shooting range or hunting preserve lawfully existing on May 7, 1985, or thereafter established in compliance with all other provisions of this Code or other county ordinances or state law.

(2)

The discharge of firearms or bows on any target or rifle range established and operated by any police or law enforcement department.

(3)

The discharge of firearms or bows in any private basement or cellar target range.

- (4) The discharge of firearms or bows in defense of one's life or to kill any dangerous or destructive wild animal.
- (5) The discharge of firearms by any duly authorized peace officer or law enforcement official acting in the proper performance of his duties.
- (6) The discharge of blank cartridges in theatrical performances or sporting events, or the firing of blank cartridge salutes at military funerals or other military affairs.
- (7) The discharge of firearms at a licensed and regularly scheduled "turkey shoot."
- (8) The discharge of shotguns and muzzleloaders, and the use of bows and arrows, by the members of a bona fide sportsmen's or hunt club on land owned or leased by such a club consisting of at least two hundred fifty (250) acres, whether one parcel or the sum of two (2) or more contiguous parcels, provided that sportsmen's or hunt club had the lease or ownership interest as of December 17, 2002.
- (9) Nothing in this article shall apply to the discharge of an arrow equipped with a blunt rubber tip or rubber suction cup, from a bow with a "pull" or a "draw weight" of less than ten (10) pounds.

(Ord. No. 085-18, § 27-12, 5-7-85; Ord. No. 089-36(R), 8-1-89; Ord. No. 003-36, 6-17-03)

Sec. 26-20. - Penalties.

Any person who violates any provision of this article shall be guilty of a misdemeanor and punished by confinement in jail not to exceed twelve (12) months, or a fine not to exceed one thousand dollars (\$1,000.00), or any combination of such confinement and fine.

(Ord. No. 085-18, § 27-13, 5-7-85)

Suffolk

Sec. 54-122. - Discharge.

(a)

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Densely populated area means an area extending 200 yards from the exterior boundaries of any five or more parcels or tracts, each one of which is adjacent to at least one other, each parcel or tract being one acre or less in area, and which parcels or tracts each contain a structure designed for human use.

(b)

Prohibited. It shall be unlawful and constitute a class 3 misdemeanor, punishable as provided in subsection 1-14(1), for any person to:

(1)

Discharge a firearm or air gun of .177 caliber or larger:

a.

Within any densely populated area;

b.

Within 200 yards from any structure owned by another and used for human occupancy or for business purposes, or for the storage of personal property, including, but not limited to, structures used for the housing of livestock or for other agricultural accessory storage uses, without permission of the owner;

c.

Within 100 yards from any public street, secondary road or highway within the city, except on a permitted firing range; or

d.

At or upon the property of another without permission.

(2)

Shoot a longbow, compound bow, crossbow or air gun at or upon the property of another without permission.

(3)

Use of a rifle to hunt bear or deer except from a stand located at least 15 feet in elevation above the ground; provided, however, that the requirement that the use of a rifle be from a stand located at least 15 feet in elevation above the ground shall be expressly inapplicable to all legally handicapped persons.

(c)

Exceptions. The provisions of this section shall not be applicable to:

(1)

Law enforcement officers engaged in the lawful performance of their duties as such, nor shall they be applicable in any situation in which the discharge of a weapon is necessary for the preservation or protection of human life or property.

(2)

The use of muzzle-loading rifles during the prescribed open seasons for the hunting of game species is permitted in the city; provided, however, that the use of such muzzle-loading rifle shall be only from a stand located at least ten feet in elevation above the ground; provided, however, that the

requirement that the use of such muzzle-loading rifle be from a stand located at least ten feet in elevation above the ground shall be expressly inapplicable to all legally handicapped persons.

(3)

The killing of deer pursuant to Code of Virginia, § 29.1-529, on parcels of five acres or more in the agricultural zoning district.

Ord. No. 64-93, § 18-15, 9-1-1993; Ord. No. 86-01, 7-18-2001; Ord. No. 09-O-046, 9-2-2009; Ord. No. 10-D-33, 4-21-2010)

State law reference— Authority to adopt, Code of Virginia, § 15.2-1113.

Westmoreland County

Sec. 30-1. Shooting firearms or gas-operated or air-operated weapons in certain areas.

(a)

The shooting of firearms or air-operated or gas-operated weapons in the areas in the county designated below is considered dangerous to the inhabitants thereof and is hereby prohibited:

(1)

Stratford Harbour Subdivision.

(2)

Potomac Shores Subdivision and within 100 yards thereof, except that the 100-yard buffer zone shall not extend beyond a line 50 yards from the tidal waters of Mattox Creek.

(3)

Westmoreland Shores Subdivision and within 100 yards thereof.

(4)

Brewington Subdivision and within 100 yards thereof.

(5)

McKenney Subdivision and within 100 yards thereof.

(6)

H. Bryan Jett Estates Subdivision and within 100 yards thereof.

(7)

Monroe Bay Estates Subdivision and within 100 yards thereof.

(8)

Property of Curley Packing Company identified as that land bounded on all sides by State Route #658, adjoining Monroe Bay Estates Subdivision, including Monroe Bay Campgrounds and Monroe Bay Trailer Park and within 100 yards thereof.

(9)

Placid Bay Estates Subdivision and within 50 yards thereof.

(10)

Drum Bay Estates Subdivision.

(11)

Waterview Subdivision.

(b)

This section shall not prohibit shooting by any individual in the lawful protection of his life or property or by any law enforcement officer in the performance of his assigned duties.

(c)

The firing of firearms for the killing of deer pursuant to Code of Virginia, § 29.1-529 on land of at least five acres that is zoned for agricultural use shall be exempt from the prohibitions of this section.

(d)

Any person who shall violate any provision of this section shall be guilty of a class 1 misdemeanor.

(Code 1988, § 11-1)

Cross reference— *Penalty for class 1 misdemeanor, § 1-16.*

State law reference— *Authority for above section, Code of Virginia, § 15.2-1209.*

EXHIBIT B

Sec. 15-1. Prohibited noise.

(a)

It shall be unlawful for any person, in all areas of the county, (1) between the hours of 12:01 a.m. and 7:00 a.m. on Saturday and Sunday mornings, January 1, the fourth Monday in May, July 4, the first Monday in September, the fourth Thursday in November, and December 25, and (2) between the hours of 10:01 p.m. and 7:00 a.m., beginning Sunday, Monday, Tuesday, Wednesday, and Thursday nights (except for those six days specifically identified in (1) above):

(1)

To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at 100 or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.

(2)

To allow noise that is plainly audible inside the confines of the dwelling unit, house or apartment of another person.

(b)

It shall be unlawful for any person, between the hours of 10:01 p.m. and 5:00 a.m. on each day of the week, in residential areas of the county, to create plainly audible noise in connection with the loading or unloading of refuse, waste or recycling collection vehicles.

(c)

It shall be unlawful for any person, between the hours of 10:01 p.m. and 7:00 a.m. on each day of the week, in residential areas of the county, to create plainly audible noise in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping or lawn activities.

(d)

It shall be unlawful for any person, at any time on any day of the week:

(1)

In all areas of the county except for those zoned agricultural and rural residential, to allow any animal or bird except farm animals (as such term is defined in Section 58.1-3505 of the Code of Virginia, 1950, as amended) to create noise such that it is plainly audible at least once a minute for ten

consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another, or (ii) at 100 or more feet from the animal or bird.

(2)

In all areas of the county, to operate, install, have or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is plainly audible on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.

(3)

In all areas of the county, to play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 100 feet or more from the vehicle. This subsection shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

(e)

Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$0.00 nor more than \$500.00.

(Ord. of 2-17-82; Ord. of 3-16-10, § 1)

Cross reference— Penalty for Class 1 misdemeanor, § 1-11; statement as to noise control required for outdoor musical or entertainment festivals, § 3-29(10); animals and fowl generally, Ch. 4.

Sec. 15-1.5. Exemptions from prohibited noises.

The following noises shall be exempt from Dinwiddie County Code Section 15-1:

(a)

Noises made in connection with any threat to public safety or any response to such threat. Noises made by fire alarms, burglar alarms, and car alarms are exempt only for a reasonable period of time after the owner of the premises responsible for the alarm, or a party designated as the responsible party for the alarm, receives notice of the sounding of the alarm.

(b)

Noises made by the operation of motor vehicles (but not including music emanating therefrom), locomotives and other railway equipment, and

airplanes and other aviation equipment, as well as noise made in connection with constructing or maintaining roads, highways, railroad tracks, or other means of travel.

(c)

Noises made in connection with events authorized, sanctioned or sponsored by a political subdivision of the Commonwealth of Virginia, including but not limited to publicly authorized, sanctioned or sponsored parades, fireworks, festivals, athletic events, special events, and events held in compliance with a valid county special event permit.

(d)

Noises made in connection with events authorized by, sponsored by, or occurring at public or private schools in the county, including but not limited to athletic, musical or theatrical events or practices.

(e)

Noises made in connection with a religious service or event, including but not limited to singing, bells, chimes, pianos, organs, and other musical instruments.

(f)

Noises made in connection with normal commercial, industrial, or agricultural operations of a person or entity, subject to compliance with all applicable federal, state and local laws, regulations, and permits.

(g)

Noises authorized by federal or state law or which are regulated by federal or state law, including but not limited to noise made in connection with federal or state military activity.

(Ord. of 3-16-10, § 1)

EXHIBIT C

**THE RECOMMENDATION OF THE FIREARMS STUDY ADVISORY COMMITTEE
TO THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA**

BE IT THEREFORE RECOMMENDED to the Board of Supervisors of Dinwiddie County that an ordinance to repeal Dinwiddie County Code Sections 3-59 through 3-69 be approved as follows:

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,
BY AMENDING CHAPTER 3, AMUSEMENTS, ARTICLE IV. TARGET RANGES,
SECTION 3-59, VIOLATIONS OF ARTICLE, SECTION 3-60 CONSTRUCTION
REQUIREMENTS, SECTION 3-66 REQUIRED, SECTION 3-67, APPLICATION,
SECTION 3-68, GRANT OR DENIAL, AND SECTION 3-69, TERM; RENEWAL**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by deleting the language shown in strikethrough.

~~Sec. 3-59. Violations of article.~~

~~Unless otherwise specifically provided, a violation of any provision of this article or any rule or regulation adopted pursuant to this article shall constitute a Class 1 misdemeanor.~~

~~Cross reference—Penalty for Class 1 misdemeanor, § 1-11.~~

~~Sec. 3-60. Construction requirements.~~

~~The physical construction of any target range or shooting range in the county shall be in accordance with rules and regulations promulgated by the board of supervisors, which rules and regulations may be changed from time to time.~~

~~(Code 1970, § 14-5)~~

~~Cross reference—Building regulations generally, Ch. 6.~~

~~Sec. 3-66. Required.~~

~~It shall be unlawful for any person to construct or operate any rifle, pistol or shotgun range within the county without written approval by the county administrator.~~

~~(Code 1970, § 14-1; Ord. of 12-19-90)~~

~~Sec. 3-67. Application.~~

~~Application for approval of target range shall be submitted to the county administrator, on forms obtained from his office.~~

~~(Code 1970, § 14-2; Ord. of 12-19-90)~~

~~Sec. 3-68. Grant or denial.~~

~~The county administrator, in his discretion shall grant or deny his approval of the target range described in the application submitted under section 3-67.~~

~~(Code 1970, § 14-3; Ord. of 12-19-90)~~

~~Sec. 3-69. Term; renewal.~~

~~Approval for the construction or operation of a target range, if granted by the county administrator, shall be issued for a period of 12 months and renewed, at the option of the county administrator, upon proper application as provided by this division.~~

(Code 1970, § 14-4; Ord. of 12-19-90)

(2) *That this ordinance shall become effective immediately.*