

Town of Windsor

Memorandum

April 12, 2016

TO: The Honorable Mayor and Town Council
FROM: Michael Stallings, Town Manager *MS*
SUBJECT: Firearms Ordinance

As directed, Chief Riddle and I have reviewed firearms ordinances from surrounding jurisdictions as well as from Towns across the State. As you can imagine, the ordinances vary greatly from locality to locality. Some Towns only ban shooting of firearms in public streets and some have an outright ban. Isle of Wight County allows shooting on agricultural land whereas the Town of Smithfield recently repealed all of their firearms related ordinances and allows State Law to govern firearms use in the Town. After much discussion, Chief Riddle and I have come up with a recommended change as well as an alternative for Council to consider.

The recommended change is to add black powder rifles as an exception due to the State of Virginia allowing them to be used for hunting purposes. This would align our Code with State Code.

The alternative for consideration is to allow rifles chambered in .22lr to be fired within Town limits as long as the other conditions set forth in the ordinance are met. We are of the opinion that adding this language would be a good compromise to allow residents the ability to shoot .22lr rifles while still restricting the larger caliber rifles from use within the Town.

This item is for Council's discussion and direction.

§ 70-1 Willfully discharging in public places.

If any person willfully discharges or causes to be discharged any firearm in any street in the Town, or in any place of public business or place of public gathering, he shall be guilty of a misdemeanor; provided that this section shall not apply to any law enforcement officer in the performance of his official duties or to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

§ 70-2 Shooting in or along road or in street.

A. If any person discharges a firearm in or along any road, or within 100 yards thereof, or in a street of the Town, he shall, for each offense, be guilty of a misdemeanor punishable by a fine of not more than \$250.

B. The provision of this section shall not apply to firing ranges or shooting matches maintained, and supervised or approved, by law enforcement officers and military personnel in performance of their lawful duties.

§ 70-3 Shooting within town limits.

- A. No person shall discharge a rifle of any kind within the Town limits, except black powder rifles and rifles chambered in .22lr.
- B. No person shall discharge any firearm on any property within the Town limits, except for those properties zoned Agricultural (A-1) or Low-Density Residential (R-4).
- C. No Person shall discharge any firearm within 100 yards of any structure.
- D. This section shall not apply to law enforcement officers in performance of their lawful duties, or those individuals acting under a permit issued by any Federal, State, or Local government.

§ 70-1 Willfully discharging in public places.

If any person willfully discharges or causes to be discharged any firearm in any street in the Town, or in any place of public business or place of public gathering, he shall be guilty of a misdemeanor; provided that this section shall not apply to any law enforcement officer in the performance of his official duties or to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

§ 70-2 Shooting in or along road or in street.

A. If any person discharges a firearm in or along any road, or within 100 yards thereof, or in a street of the Town, he shall, for each offense, be guilty of a misdemeanor punishable by a fine of not more than \$250.

B. The provision of this section shall not apply to firing ranges or shooting matches maintained, and supervised or approved, by law enforcement officers and military personnel in performance of their lawful duties.

§ 70-3 Shooting within town limits.

- A. No person shall discharge a rifle of any kind within the Town limits, except black powder rifles.
- B. No person shall discharge any firearm on any property within the Town limits, except for those properties zoned Agricultural (A-1) or Low-Density Residential (R-4).
- C. No Person shall discharge any firearm within 100 yards of any structure.
- D. This section shall not apply to law enforcement officers in performance of their lawful duties, or those individuals acting under a permit issued by any Federal, State, or Local government.