

ADOPTED

JUN 13 2017

ORDINANCE NO. 56A-23

**Board of Supervisors
James City County, VA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES – MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 15-36, DISCHARGE OF FIREARMS, ETC., IN CERTAIN AREAS; EXCEPTIONS.

WHEREAS, Section 15.2-1209 of the *Code of Virginia*, 1950, as amended, (the “Virginia Code”) states that any county may 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; and

WHEREAS, the Board of Supervisors of James City County (the “Board”) has designated certain areas in the County as “heavily populated” as set forth in James City County Code (the “County Code”) section 15-36; and

WHEREAS, the “heavily populated” areas designated by the County Code do not include many of the properties surrounding the current boundaries of the Colonial Heritage neighborhood; and

WHEREAS, the James City County Police Department has received multiple complaints of firearm discharge in the near vicinity of the Colonial Heritage neighborhood, including one complaint of two bullets impacting a dwelling in the Colonial Heritage neighborhood; and

WHEREAS, based upon the clear and present danger to the residents of the County in this area due to the discharge of firearms, the Board is of the opinion that this area of the County has become so heavily populated as to make the discharge of firearms therein dangerous to the inhabitants thereof; and

WHEREAS, the Board desires to designate the Colonial Heritage neighborhood and all properties within 800 feet of any dwelling therein as “heavily populated” and further desires to limit the outdoor shooting of firearms therein as permitted by section 15.2-1209 of the Virginia Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses - Miscellaneous, is hereby amended and reordained by amending Sections 15-36(a) and 15-36(d), Discharge of firearms, etc., in certain areas; exceptions.

Chapter 15. Offenses – Miscellaneous

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

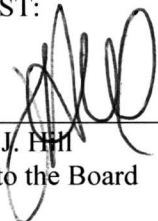
- (a) It shall be unlawful for any person to discharge any firearms or pneumatic gun in the county in or within 300 feet of any dwelling, commercial building or shelter for animals, except with the prior written permission of owner or tenant, in or within 50 feet of the boundaries of any recorded subdivision, *in or within 800 feet of any dwelling in the Colonial Heritage subdivision, the boundaries of which subdivision are shown on the map titled Colonial Heritage Subdivision Boundary and dated June 13, 2017*, or in a manner which causes ammunition to cross such areas.

- (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 *and further provided that such target range is not located in or in or within 800 feet of any dwelling in the Colonial Heritage subdivision, the boundaries of which subdivision and all areas subject to the discharge restrictions are shown on the map titled Colonial Heritage Subdivision Boundary and dated June 13, 2017.*
 - (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.



Kevin D. Onizuk
 Chairman, Board of Supervisors

ATTEST:



 Bryan J. Hill
 Clerk to the Board

| | VOTES | | |
|-----------|-------------------------------------|------------|----------------|
| | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> |
| MCGLENNON | <input checked="" type="checkbox"/> | ___ | ___ |
| SADLER | <input checked="" type="checkbox"/> | ___ | ___ |
| HIPPLE | <input checked="" type="checkbox"/> | ___ | ___ |
| LARSON | <input checked="" type="checkbox"/> | ___ | ___ |
| ONIZUK | <input checked="" type="checkbox"/> | ___ | ___ |

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of June, 2017.