

Date of Hearing: February 10, 2021

# #5 SUPPLEMENTAL

## BOARD OF SUPERVISORS PUBLIC HEARING STAFF REPORT

**SUBJECT:** Amendments to Chapter 684 of the Codified Ordinances of Loudoun County - Weapons and Explosives

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACTS:** Ernest Brown, General Services  
Milissa Spring, County Attorney's Office

**PURPOSE:** To consider proposed amendments to Chapter 684 of the Codified Ordinances of Loudoun County, Weapons and Explosives, which adds a new section, 684.04 Possession of Firearms on County Property, which prohibits possession of firearms or ammunition in buildings owned or used by the County, and modifies section 684.001 Definitions to include a definition for "ammunition."

**RECOMMENDATION:** Staff recommends that the Board of Supervisors (Board) consider amendments to Chapter 684 as provided in Attachment 1 to the February 10, 2021 Public Hearing Supplemental Staff Report.

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**UPDATE:** Subsequent to the original packet distribution for the February 10 Public Hearing, the County Administrator and County Attorney met with Chair Randall to discuss several amendments to the draft ordinance that Chair Randall was interested in considering. This Supplemental Staff Report provides additional options that were discussed with Chair Randall that will permit the possession of firearms in County parks for those holding a valid concealed handgun permit. The revised proposed ordinance specifies certain restrictions on the type of firearm and munition capacity which may be carried by such concealed handgun permit holders.

**ISSUES:** The issues described in the original Public Hearing Staff Report remain unchanged. The revised proposed ordinance provided as Attachment 1 to the Supplemental Staff Report provides an additional exemption as paragraph (e) in the draft ordinance. This exemption language is provided below:

**“(e) In public parks owned or operated by the County, or by any authority or local governmental entity created or controlled by the County, individuals who possess a valid**

**concealed handgun permit may conceal carry firearms pursuant to such permit, but in no case may they carry a semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material with a magazine that will hold more than 20 rounds of ammunition or is designed by the manufacturer to accommodate a silencer or equipped with a folding stock, or a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered.”**

**FISCAL IMPACT:** Should the Board desire to place additional screening stations at high volume service centers such as the Government Center, Shenandoah Building and the Sterling Service Center at Ridgetop Circle, these three facilities would incur annual costs of approximately \$550,000 per year. The cost for screening at each facility is estimated to be approximately \$183,000 per year. This cost includes equipment rental and contractual staffing for each location. Additionally, one-time costs for modification is estimated approximately \$50,000 per facility. For FY 2021, sufficient expenditure savings exist within the General Fund that can be reallocated for the costs of the one-time modifications and operations for the remainder of the fiscal year, estimated at \$350,000. For FY 2022, the Proposed Budget contains funding in the Department of General Services for the ongoing annual operational costs of \$550,000 for this purpose. A motion is provided should the Board desire to implement screening this fiscal year at the three facilities noted here in.

**ALTERNATIVES:**

1. The Board may approve, reject, or modify the draft ordinance provided as Attachment 1 to the February 10, 2021, Board of Supervisors Public Hearing Original Staff Report; or,
2. The Board may approve, reject, or modify the revised draft ordinance provided as Attachment 1 to the February 10, 2021, Board of Supervisors Public Hearing Supplemental Staff Report.
3. Should the Board approve either ordinance, or approve either ordinance with modifications, the Board may also authorize staff to expend FY21 available funds to begin screening operations this year, or alternately, staff will develop an item for the FGOEDC specific to enforcement and implementation options for the committee’s consideration at a later date.

**REVISED DRAFT MOTIONS:**

1. I move that the Board of Supervisors forward amendments to Chapter 684 of the Codified Ordinances - Weapons and Explosives, as provided in Attachment 1 to the February 10, 2021, Board of Supervisors Public Hearing Supplemental Staff Report to the March 2, 2021, Board of Supervisors Business Meeting for action.

OR

2a. I move that the Board of Supervisors suspend the rules.

AND

2b. I move that the Board of Supervisors approve the amendments to Chapter 684 of the Codified Ordinances - Weapons and Explosives, as provided in Attachment 1 of the February 10, 2021, Board of Supervisors Public Hearing Supplemental Staff Report.

I further move that that the Board of Supervisors direct staff to implement security screening stations at the Government Center, Shenandoah Building and the Sterling Service Center at Ridgetop Circle and authorize staff to utilize \$350,000 of existing FY 2021 General Fund appropriation authority for this purpose.

OR

3. I move that the Board of Supervisors forward amendments to Chapter 684 of the Codified Ordinances - Weapons and Explosives, as provided in Attachment 1 to the February 10, 2021, Board of Supervisors Public Hearing **Original** Staff Report to the March 2, 2021, Board of Supervisors Business Meeting for action.

OR

4. I move an alternate motion.

**ATTACHMENT:**

1. Revised Draft ordinance amending Chapter 684 of the Codified Ordinances of Loudoun County, Weapons and Explosives, by creating proposed section 684.04 Possession of Firearms on County Property, and adding additional language to section 684.001, Definitions.

#### **684.04 POSSESSION OF FIREARMS ON COUNTY PROPERTY**

**(a) The possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof is prohibited in:**

- (1) Any building, or part thereof, owned or used by the County, or by any authority or local governmental entity created or controlled by the County, for governmental purposes;**
- (2) Any public park owned or operated by the County, or by any authority or local governmental entity created or controlled by the County;**
- (3) Any recreation or community center operated by the County, or by any authority or local governmental entity created or controlled by the County; and**
- (4) Those parts of any building, not owned by the County or by any authority or local governmental entity created or controlled by the locality, being used for a governmental purpose; this ordinance shall apply only to that part of such building actually being used for a governmental purpose.**

**(b) Pursuant to this section, the County may implement security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community centers by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.**

**(c) Notice of the prohibitions contained in this section shall be posted: (i) at all entrances of any building, or part thereof, owned or used by the County, or by any authority or local governmental entity created or controlled by the County, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the County; and (iii) at all entrances of any recreation or community center facilities operated by the County, or by any authority or local governmental entity created or controlled by the County.**

**(d) The prohibitions listed in this section shall not apply to:**

- (1) Sworn law enforcement personnel;**
- (2) Private security personnel employed or contracted by the County, or an**

authority or other governmental entity created or controlled by the County, when such personnel are working in or at any location listed in subparagraph (a) above, and who are authorized to carry firearms as part of their duties;

(3) Security personnel at permitted special events engaged by private entities conducting the special event and approved by the County through the special event permit application process;

(4) Active duty military personnel acting within the scope of their official duties;

(5) Activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions;

(6) Educational programs and events, including historical reenactments, which are conducted or permitted by the County or any authority or local governmental entity created or controlled by the County, when such educational programs or events involve the use or display of firearms that are incapable or discharging a projectile;

(7) Individuals participating in managed deer hunts and other wildlife management events conducted by the County, or by any authority or local governmental entity created or controlled by the County, the Commonwealth of Virginia or the United States government;

(8) Individuals who are authorized to carry a concealed weapon pursuant to the Law Enforcement Officers Safety Act, 18 U.S.C. §§ 926B and 926C, as amended; or

(9) An otherwise lawfully possessed firearm, ammunition, components or combination thereof that is stored out of sight in a locked private vehicle lawfully parked on County property.

**(e) In public parks owned or operated by the County, or by any authority or local governmental entity created or controlled by the County, individuals who possess a valid concealed handgun permit may conceal carry firearms pursuant to such permit, but in no case may they carry a semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material with a magazine that will hold more than 20 rounds of ammunition or is designed by the manufacturer to accommodate a silencer or equipped with a folding stock, or a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered.**

#### 684.001 DEFINITIONS.

As used in this chapter, unless the context clearly requires a different meaning:

- (a) “Sheriff” means the Sheriff of the County or his or her designee.
- (b) “Firearm” means any weapon which will, is designed to or may be readily converted to expel a projectile by the action of an explosive, provided that stud nailing guns, rivet guns and similar construction equipment, neither designed or intended as weapons, shall not be deemed firearms.
- (c) “Gun” means and includes any rifle, shotgun, pistol or other firearm, and also includes any air gun, air rifle, pneumatic gun or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.
- (d) “Parcel” means any lot or other contiguous area of land in one ownership or in which all of the owners have joined in a written acknowledgment of the rights of all of them to shoot on all of such land, which constitutes, when combined, an area of not less than twenty acres.
- (e) “Pistol” means a gun having a barrel of less than sixteen inches in length.
- (f) “Recreational shooting” means the discharge of firearms or weapons, except bows and arrows, at fixed or moveable artificial targets.
- (g) “Rifle” means a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.
- (h) “Shotgun” means a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire through a smooth bore one or a number of balls shot for each pull of the trigger.
- (i) “Starting pistol” means any device which is designed or functions to simulate the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm.
- (j) “Ammunition” means a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.**