



# Albemarle County

## Legislation Text

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**File #:** 21-416, **Version:** 1

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**AGENDA DATE:** 8/18/2021

**TITLE:**

Proposed Firearms Ordinance

**SUBJECT/PROPOSAL/REQUEST:** Consider the adoption of a proposed firearms ordinance

**ITEM TYPE:** Regular Action Item

**STAFF CONTACT(S):** Richardson, Walker, Kamptner, Farley, Lantz

**PRESENTER (S):** Amanda Farley

**LEGAL REVIEW:** Yes

**REVIEWED BY:** Jeffrey B. Richardson

**BACKGROUND:** In the 2020 Session, the General Assembly approved an amendment to Virginia Code § 15.2-915 permitting localities to pass an ordinance prohibiting possession, carrying, or transport of firearms, ammunition, or component parts in buildings, public parks, recreation centers, and permitted events areas that are owned or used by the locality or authority or entity controlled by the locality for governmental purposes.

The Board of Supervisors held an advertised public hearing on a draft of the proposed ordinance implementing the enabling authority in Virginia Code § 15.2-915 on July 21, 2021. The Board received written public comments both supporting and opposing the ordinance before the public hearing and received additional comments at the public hearing. After the public hearing was closed, the Board discussed the provisions of the ordinance and directed staff to return with an amended ordinance. Since July 21, the Board has continued to receive comments from the public both supporting and opposing the ordinance.

**STRATEGIC PLAN:** Mission - To enhance the well-being and quality of life for all community members through the provision of the of the highest level of public service consistent with the prudent use of public funds.

**DISCUSSION:** The proposed ordinance (Attachment A) would prohibit firearms or their component parts, ammunition, or a combination thereof from being possessed, carried, or transported into any buildings, parks, and recreation centers owned or used by Albemarle County or authorities or other entities created or controlled by Albemarle County for governmental purposes.

The June 7, 2021 draft of the ordinance considered by the Board at its July 21, 2021 public hearing has been amended as follows for the Board's consideration:

Subsection B (Prohibited acts): This subsection prohibits firearms or their components, ammunition, or combinations thereof on the specified County properties and buildings. This subsection is amended to clarify that "component" refers to a component of the firearm.

Subsection C (Exceptions): This subsection provides several classes of individuals to whom the prohibition in subsection (B) does not apply, such as law enforcement officers. This subsection is amended to state that the Commonwealth's Attorney, deputy, and assistants may carry firearms without the condition that those persons be acting within the scope of their duties; this change is consistent with State law. Several classes of individuals are added as exceptions: (1) officers or guards of state correctional facilities acting within the scope of their duties; (2) judges or justices; (3) mail carriers acting within the scope of their duties; (4) qualified conservators of the peace; and (5) persons participating in an authorized ceremonial event. Lastly, an exception is added to provide that a person who may lawfully possess a firearm may keep a firearm in their personal private vehicle or vessel provided the firearm is secured in a container or compartment in the locked vehicle or vessel. This latter proposed change applies to County parks where the parking areas are within their entrances.

Subsection E (Notice): This subsection was added to expressly state that the firearms prohibition in subsection (B) applies only at those County buildings or parks where notice of the ordinance has been posted at their entrance.

Subsections (A), (D), and (F) (previously, subsection (E)), were not changed from the prior draft of the ordinance.

A comparison of the draft ordinance from June 7, 2021 and the revised draft dated August 9, 2021 is provided in Attachment B.

**BUDGET IMPACT:** The cost of the signs to provide the required notice could be covered with currently appropriated funds. There is no anticipated additional budget impact.

**RECOMMENDATION:**

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

**ATTACHMENTS:**

A - Proposed Ordinance dated August 9, 2021

B - Comparison of June 7, 2021 and August 9, 2021 Draft Ordinances