

**BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM**

SUBJECT: **Proposed Amendments to Chapter 684 of the Codified Ordinances, Weapons and Explosives**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

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

PURPOSE: To have the Board of Supervisors (Board) consider amendments to Chapter 684 of the Codified Ordinances of Loudoun County, Weapons and Explosives, by adding a new section 684.04 Possession of Firearms on County Property, and a definition for “ammunition” to section 684.001.

RECOMMENDATION: Staff recommends that the Board authorize the advertisement of the draft ordinance (Attachment 1), as may be amended, for public hearing.

BACKGROUND: Legislation passed by the General Assembly during its 2020 Session, [SB 35](#) and [HB 421 \(identical bills\)](#), amended § [15.2-915](#) of the Code of Virginia to authorize any locality to prohibit the possession, carrying or transportation of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned (i) any public park owned or operated by the locality;(iii) any recreation or community center facility; or (iv) any public street, road, alley, sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit. In buildings that are not owned by a locality, the ordinance shall apply only to the part of the building that is being used for a governmental purpose and when such building, or part thereof, is being used for a governmental purpose.

During its Business Meeting on September 1, 2020, the Board voted (6-2-1: Supervisors Buffington and Kershner - No; Supervisor Letourneau – Abstained) to direct staff to prepare a draft ordinance to implement its authority to regulate firearms in buildings owned or used by the County, public parks owned or operated by the County and in recreation or

community center facilities operated by the County as authorized by §15.2-915 of the Code of Virginia. The draft ordinance may be found as Attachment 1 to this Item.

As drafted, proposed section 684.04 would prohibit the possession of firearms or ammunition in buildings owned or used by the County, those parts of buildings used by the County for public purposes even if not owned by the County, public parks owned or operated by the County, and in recreation or community centers operated by the County. The proposed amendment also sets out that the County may implement security measures to prevent unauthorized access to such buildings/facilities by those in possession of firearms. This would likely entail implementation of security screening at certain facilities, which may include x-ray machines and a magnetometer operated by a law enforcement officer or a contracted security firm. The draft ordinance also requires notice of the prohibitions set forth therein be posted at the entrances to all affected buildings/facilities. Finally, the draft ordinance includes language that specifically exempts certain individuals, thus permitting the following individuals, to possess a firearm or ammunition in a County building/facility or park: sworn law enforcement officers; private security personnel employed by the County; private security guards at permitted special events; active duty military personnel acting within the scope of their official duties; and retired law enforcement officers who are authorized to carry a concealed weapon under federal law, as well as those engaged in activities associated with Reserve Officer Training Corps or intercollegiate athletics or educational programs/events that are conducted or permitted by the County. Individuals would also be entitled to store lawfully possessed firearms and ammunition in a locked private vehicle lawfully parked on County property.

In addition, the amendment to section .001 of Chapter 684 adds a definition for the word “ammunition,” since that term is currently undefined in the chapter and will now be used in new section 684.04 Possession of Firearms on County Property.

ISSUES: The exemptions proposed in the draft ordinance are consistent with those contained in similar proposed or adopted ordinances in other Northern Virginia jurisdictions. The Board could choose to add additional exemptions to the applicability of the prohibition against possession of weapons in County buildings/facilities and parks, such as for individuals who have a valid permit to carry a concealed weapon or other scenarios the Board deems appropriate.

Staff recommends that if the ordinance is adopted, at a minimum, the Government Center be equipped with a screening station. Additional screening stations at high volume service centers, such as the Shenandoah Building and the Sterling Service Center at Ridgetop Circle, may also be considered for installation. Staff requests Board guidance on the number of facilities to have screening stations.

Public and employee education will be important if the Board chooses to adopt this ordinance. Public Affairs and Communication will issue notice through their channels to the public and

employees. The County's Safety and Security Program Manager, along with staff from the Department of Human Resources, will develop educational programs to inform employees about the new ordinance.

The Department of General Services (DGS) will be responsible for ensuring proper signage is posted at all applicable County facilities and properties and will also be responsible for coordinating and managing screening stations at specified buildings. The wording and appearance of the signage will be created in collaboration with County Administration, County Attorney's Office, Public Affairs and Communications, Commonwealth Attorney's Office, Loudoun County Sheriff's Office, and DGS.

FISCAL IMPACT: If the Board adopts an ordinance prohibiting the possession of firearms at the locations listed therein, at a minimum there would be fiscal impacts associated with the creation of signs containing the required notices, staff training on proper procedural protocol and public outreach. This is anticipated to be less than \$15,000. Screening at specified facilities would also incur initial and continuing costs. The total fiscal impact would depend on the number of facilities where screening takes place. The cost for screening at each facility is estimated at \$183,300 per year with additional staffing costs for after-hours events. This cost includes equipment rental and contractual staffing for each location. Additionally, one-time costs for modification is estimated at not more than \$50,000 per facility.

Staff recommends that if the ordinance is adopted, at a minimum, the Government Center be equipped with a screening station. Should the Board desire to place additional screening stations at high volume service centers such as the Shenandoah Building and the Sterling Service Center at Ridgetop Circle, these three facilities would incur costs of approximately \$550,000 per year, plus any facility retrofits required, currently estimated at \$150,000.

ALTERNATIVES:

1. The Board may choose to authorize the advertisement of the draft ordinance as proposed.
2. The Board may direct staff to revise the ordinance as drafted and return to a future Board meeting.

DRAFT MOTIONS:

1. I move that the Board of Supervisors direct staff to advertise a Public Hearing to consider amendments to Chapter 684 of the Codified Ordinances of Loudoun County, Weapons and Explosives, by adding a new section 684.04 Possession of Firearms on County Property, and a definition for "ammunition" to section 684.001 as reflected in Attachment 1, of the November 17, 2020 Business meeting Action Item.

OR

2. I move an alternate motion.

ATTACHMENT:

1. 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.**
 - (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 ordinance 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.**
- (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.**

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.**