

**BOARD OF SUPERVISORS
BUSINESS MEETING
BOARD MEMBER INITIATIVE**

SUBJECT: Amendment to the Codified Ordinances of Loudoun
County: Chapter 684.03(3)(d)-Weapons and Explosives

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Valerie Suzdak, Chief Legislative Aide, Supervisor Umstattd

PURPOSE: To direct staff to prepare an amendment to Chapter 684.03(3)(d) of the Codified Ordinances of Loudoun County (“Ordinance”) to increase from 100 yards to 880 yards, or one-half mile, the minimum distance an individual must be from any occupied home or occupied structure when discharging a firearm.

RECOMMENDATIONS: Supervisor Umstattd recommends that the Board of Supervisors (“Board”) approve this Board Member Initiative.

BACKGROUND: On May 6, 2018, residents in the Willowsford community heard gunfire and three homes in that community were struck by bullets shot by individuals firing from a distance greater than 100 yards away, possibly greater than 300 yards away, but less than 880 yards away. The current Ordinance allows the discharge of firearms in the vicinity of occupied homes, as long as the firearms are discharged from a distance greater than 100 yards away from an occupied home or structure.

Currently, the Ordinance states: *“The discharge of firearms is prohibited within 100 yards of a building with a current occupancy permit unless the owner or authorized agent has given permission.”*

The current 100-yard distance could easily be extended to 880 yards or one-half mile to ensure that the kind of near-tragedy that occurred in Willowsford doesn't happen again. Virginia state law allows counties to impose reasonable restrictions on gun use within populated areas. Virginia Code Section 15.2-1209 authorizes the County to prohibit the outdoor shooting of firearms in areas of the county which are so heavily populated that it creates an inherent safety risk for residents. In seeking guidance on what may be considered a safe distance for the discharge of firearms, the Board can look to another section of the Code.

Virginia Code Section 15.2-1210 allows counties to “*prohibit all hunting with firearms or other weapons in, or within one-half mile of, any subdivision or other area of such county*” that is “*so heavily populated as to make such hunting dangerous to the inhabitants thereof.*” The Commonwealth recognizes that counties may limit the discharge of firearms for hunting to outside of one-half mile of occupied homes or structures. If the Commonwealth considers, and authorizes the County to consider, the discharge of firearms for hunting to be potentially unsafe within one-half mile of an occupied home or structure, then it is reasonable to state that the discharge of firearms for *any* purpose within one-half mile of an occupied home or structure should be considered a potential public safety risk.

ISSUES: Safety should be a top priority for the Board and the residents of the County. Given the types and range of firearms and ammunition that may be legally discharged in the County, and given the development that has occurred in areas of the County that were formerly undeveloped, maintaining the current 100 yard no-shooting perimeter around occupied homes and structures puts Loudoun residents and private property at risk. As we’ve seen with the Willowsford incident, even a 300 yard no-shooting perimeter around occupied homes and structures is inadequate to protect public safety. The Board should update the Ordinance as expeditiously as possible to ensure the safety of individuals and their property and to ensure that those discharging firearms aren’t encouraged to do so where the residents of occupied homes and structures are at genuine risk of being hit.

FISCAL IMPACT: There is no fiscal impact with this item except staff time.

DRAFT MOTIONS:

1. I move that the Board of Supervisors direct staff to prepare an amendment to Chapter 684.03(3)(d) of the Codified Ordinances of Loudoun County that prohibits the discharge of firearms within 880 yards, or one-half mile, from occupied homes or structures, and bring such amendment forward for consideration by the Board of Supervisors.

OR

2. I move an alternate motion.