Ord. 2011-__

AN ORDINANCE TO AMEND SECTION 17-10, GRAVEL SHOOTERS, AIRGUNS, ETC.; DISCHARGING, OF CHAPTER 17 "OFFENSES—MISCELLANEOUS" OF THE CHRISTIANSBURG TOWN CODE TO ALLOW THE DISCHARGE OF PNEUMATIC GUNS ON PRIVATE PROPERTY UNDER CERTAIN CONDITIONS, AND TO ADOPT NEW SECTIONS 17-26 AND 17-27 IN REGARDS TO FIREARMS, BOWS, AND URBAN ARCHERY

WHEREAS, the Code of Virginia, § 15.2-915.4 allows the Town to regulate the use of pneumatic guns; and

WHEREAS, § 15.2-915.4 has recently been amended by the General Assembly of Virginia to require the Town to allow the discharge of pneumatic guns on private property within the Town under certain conditions; and

WHEREAS, Council desires to amend Section 17-10 of the Town Code to comply with this recent amendment to the Virginia Code and allow the discharge of pneumatic guns and bows on private property as set forth below as well as amend provisions in regards to firearms, bows, and urban archery by adoption of new Sections 17-26 and 17-27.

THEREFORE, be it ordained by the Town Council of the Town of Christiansburg, Virginia that Section 17-10, Gravel shooters, airguns, etc.; discharging, of Chapter 17 "Offenses—Miscellaneous" of the Town of Christiansburg Code, be amended as follows:

Sec. 17-10. ~~Gravel shooters, airguns,~~ Pneumatic guns ~~etc.~~; discharging, penalty.

A. Any person who shall anywhere in the Town discharge any ~~firearm~~, shot, stone~~s~~, gravel, BB, pellet, paintball or ~~any~~ similar ~~things~~ object from a ~~gravel shooter, airgun, loaded weapon~~ pneumatic gun or similar implement, except as authorized by this ordinance ~~the Department of Game and Inland Fisheries,~~ shall be guilty of a class ~~1~~3 misdemeanor punishable as provided in Section 1-6~~, but police officers and other law enforcement officers are excluded~~.

~~The provisions of Section 17-10 shall not apply when discharging an arrow from a bow for the purposes of deer hunting within the Town of Christiansburg limits during the Early Special Urban Archery Season, the Special Early Archery Season, the General Firearms Deer season or during the Special Late Archery Season, as designated in regulations set forth by the Virginia Department of Game and Inland Fisheries, under the following conditions:~~

~~1. On land that is five (5) acres or more of continuous area, approved by the Department of Game and Inland Fisheries, the Town Manager and the Chief of Police, and~~

~~2. The landowner has applied for an annual permit from the Town Manager to use their property for purpose of archery hunting.~~

~~3. All persons participating must register with the Christiansburg Police Department, providing written evidence from the landowner granting permission to use their property for archery hunting.~~

~~4. Any person discharging a bow shall, at all times, while engaged in such activity, have in his possession written permission from the landowner to discharge such a weapon on his premises.~~

~~5. Agreement shall be made between the participant and landowner in reference to field dress.~~

~~6. All participants must abide by all applicable sections of the Virginia State Code and Virginia Hunting Regulations:~~

~~a. Discharge of a bow must be done from an elevated stand with a minimum height of 12 (twelve) feet.~~

~~b. No person shall discharge a bow within 100 yards of any dwelling, building, street, sidewalk, alley, roadway, public land or public place within Town limits.~~

~~c. No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.~~

~~d. No person shall hunt deer within the Town limits by use of dog or dogs.~~

~~e. Special Urban Archery Season is restricted to hunting anterless deer only.~~

~~f. Any person engaging in deer hunting must dispose of deer carcasses appropriately.~~

B. For the purpose of this Section, “pneumatic gun” means any implement designed as a gun that will expel a BB, pellet, paintball, or similar object by action of pneumatic pressure.

C. Pneumatic guns may be used at facilities approved for shooting ranges or paintball courses, on other property where pneumatic guns may be discharged lawfully, or on or within private property with permission of the owner or legal possessor. Commercial operation of shooting ranges, paintball courses, and similar forms of public amusement utilizing pneumatic guns shall comply with Chapter 30 “Zoning” in terms of commercial use as an amusement center.

D. Use of pneumatic guns must be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. "Reasonable care" means that the

pneumatic gun is being discharged so that the projectile will be contained on the property by a backstop, earthen embankment, or fence. The discharge of projectiles across or over the bounds of the property shall create the rebuttable presumption that the use of the pneumatic gun was not conducted with reasonable care.

E. Minors may use such implements only under the following conditions:

1. Minors under the age of 16 must be supervised by a parent, guardian, or other adult supervisor approved by a parent or guardian and shall be responsible for obeying all laws, regulations, and restrictions governing the use thereof.

2. Minors 16-18 years of age must have the written or verbal consent of a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.

(Code 1972, § 21-13; Ord. 2003-7 of 9-2-03)

AND THEREFORE, be it further ordained by the Town Council of the Town of Christiansburg, Virginia that Chapter 17 "Offenses—Miscellaneous" of the Town of Christiansburg Code, be amended by the addition of Sections 17-26 and 17-27 as follows:

Sec. 17-26. Discharge and storage of firearms; penalty.

A. Any person who shall willfully discharge or cause to be discharged any firearm or similar implement within the corporate limits of the Town or in a manner to cause any bullet, shot, or similar object to travel through the corporate limits of the Town by discharge of a firearm shall be guilty of a class 1 misdemeanor, punishable as provided in Section 1-6; provided, that this provision shall not apply to the following:

1. Discharge of a firearm by any law enforcement officer in the performance of official duties

2. Discharge of a firearm by any person whose such willful act is otherwise justifiable or excusable at law in the protection of life or property

3. Discharge of a firearm in association with the commercial operation of an indoor firearms shooting range provided the indoor firearms shooting range complies with Chapter 30 "Zoning" in terms of commercial use as an indoor shooting range. Reasonable care shall be given to ensure any bullet, shot or other discharge from firearms do not cross property lines in regards to deer hunting on parcels of five acres or more with permission of the property owner in the Agricultural Zoning District.

4. Deer hunting on parcels of five acres or more with permission of the property owner in the Agricultural Zoning District. Reasonable care shall be given to ensure bullets, shot or other discharge from firearms do not cross property lines in

regards to deer hunting on parcels of five acres or more with permission of the property owner in the Agricultural Zoning District.

5. Any discharge of a firearm that is otherwise specifically authorized by law.

B. For the purpose of this Section, "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon.

C. Discharge of a firearm in conjunction with deer hunting must be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. "Reasonable care" in terms of deer hunting means that the firearm is being discharged so that the projectile will be contained on the property by a backstop, earthen embankment, or fence. "Reasonable care" in terms of the operation of a commercial indoor firearms shooting range means that the firearm is being discharged so that the projectile(s) will be contained in the building housing the indoor firearms shooting range. The discharge of a firearm causing projectile(s) to cross over the bounds of the property for deer hunting or the discharge of a firearm causing the projectile(s) to exit outside of the building for indoor firearms shooting ranges shall create the rebuttable presumption that the use of the firearm was not conducted with reasonable care.

D. Minors may discharge firearms and similar implements only under the following conditions:

1. Minors under the age of 16 must be supervised by a parent, guardian, or other adult supervisor approved by a parent or guardian and shall be responsible for obeying all laws, regulations, and restrictions governing the use thereof.

2. Minors 16-18 years of age must have the written or verbal consent of a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.

E. The FireChief/Fire Marshall and the Building Official shall have the authority to regulate the storage of firearms, ammunition, and ammunition supplies including gunpowder or other explosives.

Sec. 17-27. Archery, urban archery, discharge of bows; exemptions; penalty.

A. Any person who shall willfully discharge or cause to be discharged any bow or similar implement within the corporate limits of the Town or in a manner to cause any arrow, crossbow quarrel, bolt, or similar object to travel through the corporate limits of the Town by discharge of a bow shall be guilty of a class 3 misdemeanor, punishable as provided in Section 1-6; provided, that this provision shall not apply to the following:

1. Discharge of a bow by any law enforcement officer in the performance of official duties

2. Discharge of a bow by any person whose such willful act is otherwise justifiable or excusable at law in the protection of life or property

3. Discharge of a bow in association with the commercial operation of an indoor or outdoor shooting range provided the indoor or outdoor shooting range complies with Chapter 30 "Zoning" in terms of commercial use as an indoor or outdoor shooting range. Reasonable care shall be given to ensure any arrow, quarrel, bolt, or other discharge from bows do not cross property lines in regards to deer hunting on parcels of five acres or more with permission of the property owner in the Agricultural Zoning District.

4. Deer hunting on parcels of five acres or more with permission of the property owner in the Agricultural Zoning District. Reasonable care shall be given to ensure arrows, quarrel, bolt, or other discharge from bows do not cross property lines in regards to deer hunting on parcels of five acres or more with permission of the property owner in the Agricultural Zoning District.

5. Discharge of a bow on or within private property with permission of the property owner or legal possessor.

6. Any discharge of a bow that is otherwise specifically authorized by law.

B. For the purpose of this Section, "bow" means any implement designed as a weapon that will expel an arrow, quarrel, bolt, or similar object by action of elastic energy or tension pressure.

C. Subject to the provisions of this Section, discharging an arrow from a bow is lawful for the purposes of deer hunting within the Town of Christiansburg limits during Urban Archery Season, the Early Archery Season, the General Firearms Deer season or during the Late Archery Season, as designated in regulations set forth by the Virginia Department of Game and Inland Fisheries, under the following conditions:

1. Except for target shooting, discharge of archery equipment is restricted to land consisting of five (5) acres or more that is approved by the Town Manager and the Chief of Police.

2. Hunters must register with the Town Manager to hunt on Town owned property.

3. Hunters must carry written permission from individual property owners to hunt.

4. Agreement must be made between the participant and landowner in reference to field dress.

5. No person shall discharge a bow within 100 yards of any dwelling, building, street, sidewalk, alley, roadway, public land or public place within Town limits.

6. No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.

7. Except for target shooting, archery equipment can only be discharged from an elevated stand with a minimum height of 12 (twelve) feet.

8. Hunters must dispose of deer carcasses appropriately. Carcasses should be double bagged and taken to the local landfills.

9. No person shall hunt deer within the Town by use of dog or dogs.

10. Urban Archery Season is restricted to hunting antlerless deer only.

11. Hunters must abide by all applicable sections of the Virginia State Code and Virginia Hunting Regulations (including bag limits and tagging/checking requirements).

D. Discharge of a bow in conjunction with deer hunting or an indoor or outdoor shooting range must be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. "Reasonable care" in terms of deer hunting or an outdoor shooting range means that the bow is being discharged so that the projectile will be contained on the property by a backstop, earthen embankment, or fence. "Reasonable care" in terms of the operation of an indoor shooting range means that the bow is being discharged so that the projectile(s) will be contained in the building housing the indoor shooting range. The discharge of a bow causing projectile(s) to cross over the bounds of the property for deer hunting or an outdoor shooting range or the discharge of a firearm causing the projectile(s) to exit outside of the building for an indoor shooting range shall create the rebuttable presumption that the use of the firearm was not conducted with reasonable care.

E. Minors may use such implements only under the following conditions:

1. Minors under the age of 16 must be supervised by a parent, guardian, or other adult supervisor approved by a parent or guardian and shall be responsible for obeying all laws, regulations, and restrictions governing the use thereof.

2. Minors 16-18 years of age must have the written or verbal consent of a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held December 20, 2011, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	Aye	Nay	Abstain	Absent
Mayor Richard G. Ballengee*				
D. Michael Barber				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				
James W. "Jim" Vanhoozier				

*Votes only in the event of a tie vote by Council.

SEAL:

_____ _____

Michele M. Stipes, Town Clerk Richard G. Ballengee, Mayor