

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	September 8, 2020
Action Required:	Ordinance Amendment
Staff Contacts:	John Blair, City Attorney
Presenters:	John Blair, City Attorney
Title:	Ordinance Prohibiting Firearms and Ammunition in Public Spaces (3rd Reading)

Background:

In 2020, the Virginia General Assembly amended Virginia Code Section 15.2-915. This amendment provides localities with the authority to enact prohibition on the possession, carrying, or transportation of firearms, ammunition, or components or combinations in certain public spaces.

Discussion:

The proposed ordinance prohibits the possession, carrying or transportation of firearms, ammunition, or components or combinations thereof in City buildings, City parks, in City recreational or community centers, and in any public street, road, alley, or sidewalk or public right-of-way or space open to the public that is being used by or is adjacent to a permitted event by the City or an event that would otherwise require a City permit.

The proposed ordinance permits the City to implement security measures designed to prevent the unauthorized access of the aforementioned public places such as metal detectors.

The proposed ordinance includes several exemptions from its provisions including exceptions for sworn law enforcement officers as well as the activities of Senior Reserve Officers' Training Corps program.

A violation of the ordinance is a Class 1 misdemeanor.

At the July 20, 2020 City Council meeting, Councilors expressed two reservations about the proposed ordinance regarding property owned by the Charlottesville Redevelopment and Housing Authority (CRHA) as well as parking garages owned or controlled by the City.

The revised ordinance includes language that clarifies that housing services provided by CRHA and parking services provided by the city are not "governmental purposes" as defined by this ordinance.

The revised ordinance also removed two separate uses of the word “or” in Section 33-10(4) to improve the clarity of the ordinance. The previous version of the ordinance used the same language in Virginia Code Section 15.2-915. However, the use of the word “or” three times in a list of items can cause confusion to the reader. Therefore, two uses of the word “or” have been replaced with commas.

One additional revision made subsequent to the July 20, 2020 City Council meeting is an additional category of exceptions added to subsection (d) of the ordinance. As part of a special events permit approved by the Charlottesville City Manager, individuals licensed as armed security officers by the Virginia Department of Criminal Justice Services providing security to the special event are exempted from the ordinance for the duration of the special event.

At the City Council’s August 17, 2020 meeting, the Council deferred enactment of the ordinance at the request of Councilor Snook. Councilor Snook requested a meeting with the Commonwealth’s Attorney and the City Attorney to discuss additional questions about the ordinance. Mayor Walker also requested the City Attorney to examine if the ordinance could apply additional safeguards concerning the use of inoperable firearms at special events.

The ordinance now contains two additional revisions. First, any inoperable firearm used in a special event must first be inspected by a City official designated by the City Manager on a special event permit to ensure its inoperability. Second, the ordinance now clarifies that a law enforcement officer can possess a firearm while performing their public duties or serving as security for a special event.

The ordinance will have an effective date of October 1, 2020. This will provide time for the City to prepare signage.

Attachments:

Proposed Ordinance

**AN ORDINANCE
ADDING SECTION 33-10
TO CHAPTER 33 (WEAPONS)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Chapter 33 of the Code of the City of Charlottesville (1990) is amended as follows:

Sec. 33-10. – Prohibition of firearms on city property.

- (a.) The possession, carrying or transportation of firearms, ammunition, or components or combination thereof (1) in any buildings, or parts thereof, owned or used, by the city, or by any authority or local governmental entity created or controlled by the city, for governmental purposes; or (2) in parks owned or operated by the city, or by any authority or local governmental entity created or controlled by the city; or (3) in any recreational or community center facility operated by the city, or by any authority or local governmental entity created or controlled by the city; or (4) in any public street, road, alley, sidewalk, 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 event that would otherwise require a permit, is prohibited. For purposes of this ordinance, governmental purposes shall not include housing provided by the Charlottesville Redevelopment and Housing Authority nor shall it include the provision of parking provided by the city.
- (b.) The possession, carrying, storage or transportation of firearms by city employees, agents or volunteers in workplaces owned, operated or managed by the city is prohibited.
- (c.) Pursuant to this section, the city may implement security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-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 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.
- (d.) This section shall not apply to (1) military personnel when acting within the scope of their official duties; or (2.) sworn law enforcement officers engaged in the performance of their public duties or providing security to a special event pursuant to a permit issued by the Charlottesville City Manager for the duration of the permitted special event; or (3.) 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.; (4.) 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; (5.) an armed security officer licensed by the Virginia Department of Criminal Justice Services providing security to a special event pursuant to a permit issued by the Charlottesville City Manager for the duration of the permitted special event; or (6.) historical re-enactors and any other persons who possess firearms that are inoperative or otherwise incapable of discharging a projectile, and are not loaded with inoperable ammunition, when such persons are participating in, or traveling to or from special events that involve the display or demonstration of such firearms. Before the use of an inoperative firearm in a special event, the individual who will be possessing the firearm shall allow a City official designated on the special event permit to inspect the firearm to ensure its inoperability and the absence of ammunition.

- (e.) Notice of the restrictions imposed by this ordinance shall be posted (1) at all entrances of any building, or part thereof, owned or used by the city, or by any authority or local governmental entity created or controlled by the city, for governmental purposes; (2) at all entrances of any public park owned or operated by the city, or by any authority or local governmental entity created or controlled by the city; (3) at all entrances of any recreation or community center facilities operated by the city, or by any authority or local governmental entity created or controlled by the city; and (4) at all entrances or other appropriate places of ingress and egress to any public street, road, alley, or 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.
- (f.) For purposes of this section, the term “firearm” means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.
- (g.) Any violation of section 33-10 is unlawful and shall be punished as a Class 1 misdemeanor.

BE IT FURTHER ORDAINED that this ordinance shall be effective on October 1, 2020.