

*ADOPTION OF AN AMENDMENT TO
CHAPTER 6 (WEAPONS)
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, June 21, 2011, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Chapter 6 (Weapons) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA:*

1. That Sections 6-1-1, 6-1-2, and 6-1-2.1 of the Fairfax County Code, all relating to the discharge of firearms and pneumatic guns, are amended and readopted as follows:

Section 6-1-1. - Definitions.

The words and phrases defined in this Section when used in this Chapter shall have the following meanings, unless a different meaning is clearly required by the context:

Chief of Police means the Chief of the Fairfax County Police Department or the designated agent of the Chief.

Firearm means any ~~gun-weapon which-that~~ will, or is designed to, or may be readily converted to, expel a projectile or projectiles by the action of any explosive; provided, that stud nailing guns, rivet guns and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

~~*Gun* means a firearm or pneumatic gun or other similar device designed and intended to expel a projectile through a barrel of any length by means of explosive, expansion or release of compressed gas or compressed air or action of a spring mechanism.~~

~~*Parcel of land*~~ *Parcel of Land* means any lot or lots, or other contiguous areas of land constituting a combined area of not less than twenty acres where all of the landowners, tenants in possession or agents of such landowners and tenants have joined in a written acknowledgement of the rights of persons to shoot on all of such land. ~~However, for the purposes of Section 6-1-2.1, a parcel of land may include contiguous areas that constitute a combined area of not less than one acre.~~

Pneumatic gun means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure; it includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

Recreational shooting means the discharge of firearms ~~or other guns~~ at fixed or movable artificial targets.

~~*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 or the action of a spring mechanism to expel a single projectile through a rifled or smooth bore barrel for each pull of the trigger.~~

Shotgun means a fire-arm 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 barrel one or more ball shot for each pull of the trigger.

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 as defined in this Section.

Section 6-1-2. - Hunting or discharge of firearms in certain places prohibited; exceptions.

~~(a) It shall be unlawful for any person to shoot any gun in any areas of the County which are so heavily populated as to make such conduct dangerous. Except as otherwise provided herein, it shall be unlawful to discharge any gun:~~

~~(1) In all areas of the County except those areas which are exempted in accordance with Appendix J to the Fairfax County Code;~~

~~(2) On any lot of real property containing less than twenty acres; and~~

~~(3) On any parcel of land which is not posted with signs giving reasonable notice that guns are in use on that parcel of land and that no trespassing is allowed. Such signs shall be placed where they can reasonably be seen. However, if firearms are in use on only a portion of any parcel of land which meets the acreage and other requirements of the term "parcel of land," as defined by Section 6-1-1, then only that portion of that parcel of land on which firearms are used shall be posted with signs.~~

(a) It shall be unlawful for any person to shoot any firearm in any areas of the County that are so heavily populated as to make such conduct dangerous to the inhabitants thereof, which areas are designated in Appendix J to the Fairfax County Code. Firearms may lawfully be discharged in those areas that are exempted in Appendix J to the Fairfax County Code so long as the firearms are discharged on a Parcel of Land that is posted with signs giving reasonable notice that firearms are in use on that Parcel of Land and that no trespassing is allowed. Such signs shall be placed where they can reasonably be seen. However, if firearms are in use on only a portion of any Parcel of Land which meets the acreage and other requirements of the term "Parcel of Land," as defined by Section 6-1-1, then only that portion of that Parcel of Land on which firearms are used shall be posted with signs.

(b) It shall be unlawful for any person to hunt with a gun-firearm any bird or game animal on or within 100 yards from any primary or secondary highway. A violation of this Subsection shall be punishable as a Class 3 misdemeanor.

(c) It shall be unlawful for any person to shoot or hunt with a gun-firearm on any public school ground or any public park or on any area within 100 yards of any public school ground or public park. It shall be unlawful for any person who is hunting with a loaded gun-firearm to traverse any public school ground or public park or to be within 100 yards from any such school ground or park. A violation of this Subsection shall be punishable as a Class 4 misdemeanor. This Subsection shall not prohibit either (i) the lawful possession of a firearm when such firearm is carried for purposes of personal safety or (ii) the lawful possession of a firearm on a public highway within 100 yards of any public school ground or public park. Nothing in this Subsection shall apply to: (i) recreational shooting on gun ranges at any public school operated by or with the approval of that school; (ii) recreational shooting on gun ranges at any public park operated by or with the approval of the owner of the park; (iii) shooting of a starting pistol at an athletic event on any public school grounds or public park and which is conducted with the approval granted by the owner of that school or park property; or (iv) lands within a national or state park or forest, or wildlife management area.

(d) It shall be unlawful for any person to hunt with a shotgun loaded with slugs. A violation of this Subsection shall be punishable as a Class 3 misdemeanor.

(e) Except for those persons who are on a parcel of land-Parcel of Land that is registered in accordance with Section 6-1-3-exempted in Appendix J and who hunt with shotguns loaded with multiple ball shot, it shall be unlawful for any person to hunt with a firearm which has a barrel caliber larger than a nominal 0.224 inches or to hunt with a

gun-firearm and ammunition combination having a muzzle energy greater than a .22 caliber rimfire cartridge. A violation of this Subsection shall be punishable as a Class 3 misdemeanor.

(f) It shall be unlawful for any person to discharge any gun-firearm from or across any highway, sidewalk or any public land except on a properly constructed target range.

(g) Notwithstanding the provisions of Subsections (a) through (f) of this Section, the following acts shall not be violations of this Section:

~~(1) Hunting with a shotgun, when such shotgun is loaded entirely with ammunition consisting of multiple ball shot on a parcel of land for which the land owners, tenants in possession or agents of such landowners and tenants have been issued an approved registration pursuant to Section 6-1-3 and when such hunting is carried out in accordance with the terms and conditions of such registration and this Chapter; provided, however, that such parcel of land complies with the requirement to post appropriate signs in accordance with Subsection (a)(3) of this Section. (Reserved.)~~

~~(2) Recreational shooting with any gun by any person who has an approved registration from the Chief of Police and who is shooting on a parcel of land in accordance with that registration. (Reserved.)~~

~~(3) Shooting or discharge of any gun upon a lawful target, trap or skeet range, or hunting preserve, when such shooting is in accordance with the provisions of any approved registration. (Reserved.)~~

(4) Shooting or discharge of any gun-firearm by any law enforcement officer acting in the performance of the duties of a law enforcement agency. For the purposes of this Section the term "law enforcement officer" includes any person defined as a law enforcement officer pursuant to Virginia Code § 9.1-101 and any animal control officer acting in the performance of his or her duty.

(5) Discharge of any gun-firearm in an entirely indoor target range, provided that adequate provisions are made to retain within the structure all projectiles discharged.

(6) Discharge of any gun-firearm for the purpose of protecting any person from death or great bodily harm.

(7) Discharge of any firearm or starting pistol loaded with a blank cartridge, or other ammunition, not resulting in the expulsion of a projectile or projectiles.

(8) Discharge of any gun-firearm pursuant ~~(i) to an approved registration issued by the Chief of Police or (ii)~~ pursuant to a permit issued in accordance with Virginia Code § 29.1-529 ~~and with an approved registration issued by the Chief of Police~~, if the discharge is on ~~a parcel of~~ land that contains at least five acres and is zoned for agricultural use; or ~~(iii)-(ii)~~ pursuant to authorization issued in accordance with 4 VAC 15-40-240 by the Director of the Department of Game and Inland Fisheries.

(9) Shooting or discharge of a gun-firearm by any representative of the Virginia Department of Game and Inland Fisheries in the performance of duty for scientific collection or wildlife management purposes.

Section 6-1-2.1. - Discharge of pneumatic guns in certain places prohibited; exceptions.

~~Notwithstanding the provisions of Section 6-1-2, a person may discharge a pneumatic gun on a parcel of land containing at least one acre of land in an area designated for the discharge of firearms or other guns in accordance with Appendix J to the Fairfax County Code. Provided, however, no person shall discharge any such pneumatic gun within 100 yards of a public school ground or a public park, and no person shall traverse a public school ground, or a public park while in possession of a pneumatic gun. This Section shall not prohibit any act described in Subsections (g)(3), (g)(4), (g)(5), (g)(6), (g)(7), (g)(8), or (g)(9) of Section 6-1-2, and this Section shall not prohibit: (i) the lawful possession of a gun of the type described herein when such gun is carried for purposes of personal safety; (ii) the lawful possession of a gun of the type described herein on a public highway within 100 yards of any public school ground or public park, or (iii) recreational shooting on gun ranges at any public school grounds operated by or with the approval of that school or recreational shooting on gun ranges at any public park operated by or with the approval of the owner of the park. Whenever any minor below the age of 16 uses any pneumatic gun, the minor must be supervised by a parent, guardian, or other adult supervisor approved by the minor's parent or guardian. Any minor using any pneumatic gun shall be responsible for obeying all laws, regulations and restrictions governing such use at all times. Violation of this Section shall constitute a Class 3 misdemeanor.~~

(a) It shall be unlawful for any person to shoot a pneumatic gun in any areas of the County that are so heavily populated as to make such conduct dangerous to the inhabitants thereof, which areas are designated in Appendix J to the Fairfax County Code. Notwithstanding the foregoing, the following acts are not prohibited by this Section:

(1) Use of pneumatic guns at facilities approved for shooting ranges;

(2) Use of pneumatic guns on other property where firearms may be discharged;

(3) Use of pneumatic guns on private property if the person shooting has permission of the owner or legal possessor of the property on which the pneumatic gun is being used and the owner or legal possessor of the property within which the projectile may reasonably be foreseen to pass or to land;

(4) Shooting or discharge of a pneumatic gun by any law enforcement officer acting in the performance of the duties of a law enforcement agency. For the purposes of this Section the term "law enforcement officer" includes any person defined as a law enforcement officer pursuant to Virginia Code § 9.1-101 and any animal control officer acting in the performance of his or her duty; and

(5) Shooting or discharge of a pneumatic gun by any representative of the Virginia Department of Game and Inland Fisheries in the performance of duty for scientific collection or wildlife management purposes.

(b) Whenever any minor below the age of 16 uses any pneumatic gun, the minor must be supervised by a parent, guardian, or other adult supervisor approved by the minor's parent or guardian. Any minor using any pneumatic gun shall be responsible for obeying all laws, regulations and restrictions governing such use at all times. Violation of this Section shall constitute a Class 3 misdemeanor.

That Section 6-1-3 is REPEALED.

3. *That this ordinance shall take effect upon adoption.*

GIVEN under my hand this 21st day of June 2011.

A handwritten signature in black ink, reading "Nancy Vehr", written over a horizontal line.

Nancy Vehr
Clerk to the Board of Supervisors