

BOARD OF SUPERVISORS  
COUNTY OF STAFFORD  
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 2<sup>nd</sup> day of June, 2015:

<u>MEMBERS:</u>	<u>VOTE:</u>
Gary F. Snellings, Chairman	Yes
Laura A. Sellers, Vice Chairman	Yes
Meg Bohmke	Yes
Jack R. Cavalier	Yes
Paul V. Milde III	Yes
Cord A. Sterling	Absent
Robert "Bob" Thomas, Jr.	Absent

On motion of Mr. Milde, seconded by Ms. Sellers, which carried by a vote of 5 to 0, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD  
COUNTY CODE, CHAPTER 16, ENTITLED "NOISE" AND  
CHAPTER 26, ENTITLED "WEAPONS"

WHEREAS, amendments to the Virginia Code necessitate amendments to the County's Weapons Ordinance, specifically regarding pneumatic guns and hunting; and

WHEREAS, the Board desires to amend the County's Weapons Ordinance to allow for reasonable and safe bow usage; and

WHEREAS, an amendment to the Noise Ordinance will enable better enforcement of the regulations by law enforcement and staff; and

WHEREAS, the Board carefully considered the recommendations of the Sheriff's Office and staff, and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that these amendments secure and promote the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of June, 2015, that Stafford County Code Sec. 16-4, "Maximum permissible sound levels generally," and Chapter 26, "Weapons," be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

**Sec. 16-4. - Maximum permissible sound levels generally.**

(b) Measurement procedures. The measurement of sound or noise pursuant to this section shall be as follows:

- (1) The measurement of sound or noise shall be made with type 2 sound level meters which meet the standards prescribed by the ANSI. The instruments shall be maintained in calibration and good working order. The sheriff shall develop and promulgate standards and procedures for testing and validating sound level meters according to the specifications and regulations of the manufacturer and used in the enforcement of this chapter. A minimum of three (3) sound level readings shall be taken. The ~~geometric mean~~ average of these readings will be used as the average sound level. If the background noise is equal to the levels set forth in this section, three (3) dB shall be subtracted out of the average sound level.

**Sec. 26-4. Discharging air pneumatic guns ~~in public places~~.**

~~(a) No person shall discharge shot or pellets from a BB gun, air gun or other similar instrument in any street or highway in the county or in any place of public business or place of public gathering in the county.~~

~~(b) A violation of this section shall constitute a Class 2 misdemeanor.~~

(a) For purposes of this section, "pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes, but is not limited to, a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

(b) In the opinion of the board, certain areas of the county are so heavily populated as to make shooting pneumatic guns dangerous to the inhabitants of the areas. It shall be unlawful to shoot pneumatic guns in the areas set forth in county code section 26-18, except as provided below:

(1) at facilities approved for shooting ranges;

(2) on property where firearms maybe lawfully discharged; and

(3) on private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

(c) It shall be unlawful in the areas set forth in county code section 26-18, for any minor below the age of 16 to use pneumatic guns on private or public property without supervision by a parent, guardian, or other adult supervisor approved by a parent or guardian of any minor. Minors, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations and restrictions governing such use.

(d) A violation of this section shall be a Class 3 misdemeanor.

State law reference: Virginia Code § 15.2-915.4.

**Sec. 26-5. Discharging arrows.**

- (a) No person shall discharge an arrow from any bow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. ~~or other similar instrument at any place within the county; provided, however, that this shall not be construed to prohibit the discharge of arrows at a regularly established archery range or by properly licensed hunters.~~

State law reference: Virginia Code § 15.2-916.

**Sec. 26-8. Limitations on firearms.**

- (a) It shall be unlawful to shoot within one hundred (100) yards of any regularly occupied structure, which is not the shooters'/hunters' own residence or structure, without written permission of its owner or occupant. The written permission shall contain the following information:
- (b) ~~It shall be unlawful to hunt within one hundred (100) yards of any regularly occupied structure without advance permission of its owner or occupant.~~

**Sec. 26-9. One-hundred-yard safety zone, private roads.**

It shall be unlawful to shoot ~~or hunt~~ within one hundred (100) yards of any private road located in a subdivision where lots are ten (10) acres or ~~more~~ less in size without written permission of the owner or occupant.

**ARTICLE II. SHOOTING-PROHIBITED AREAS**

**Sec. 26-16. Definitions.**

For the purposes of this article, the following terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

~~Bow shall mean and include cross bows, hunting bows, target bows, or any similar mechanism, by whatever name known, which is designed and capable of firing arrows or similar projectiles.~~

State law reference: Virginia Code § 15.2-1209.

**Sec. 26-17. Prohibited shooting.**

In the opinion of the board, certain areas of the county are so heavily populated as to make outdoor shooting with firearms so dangerous to the inhabitants of these areas of the county, that it shall be unlawful for any person willfully to shoot or discharge any firearm ~~or bow~~ within or into any of the shooting-prohibited areas of Stafford County, designated as such in section 26-18, following.

State law reference: Virginia Code § 15.2-1209.

**Sec. 26-19. Exceptions.**

The prohibitions and other terms of this article shall not apply to the following:

- (1) The discharge of firearms ~~or bows~~ on any approved target, trap, skeet or shooting range or hunting preserve lawfully existing on May 7, 1985, or thereafter established in compliance with all other provisions of this Code or other county ordinances or state law.
- (2) The discharge of firearms ~~or bows~~ on any target or rifle range established and operated by the Stafford County Sheriff's Office or any police or law enforcement department or agency.
- (3) The discharge of firearms ~~or bows~~ in any private basement or cellar target range.
- (4) The discharge of firearms ~~or bows~~ in defense of one's life or to kill any dangerous or destructive wild animal.
- (5) The discharge of firearms by any sheriff's deputy, duly authorized peace officer, or law enforcement official acting in the proper performance of his duties.
- (8) The discharge of shotguns and muzzleloaders, ~~and the use of bows and arrows,~~ by the members of a bona fide sportsmen's or hunt club on land owned or leased by such a club consisting of at least two hundred fifty (250) acres, whether one parcel or the sum of two (2) or more contiguous parcels, provided that sportsmen's or hunt club had the lease or ownership interest as of December 17, 2002.
- ~~(9) Nothing in this article shall apply to the discharge of an arrow equipped with a blunt rubber tip or rubber suction cup, from a bow with a "pull" or a "draw weight" of less than ten (10) pounds.~~
- ~~(9) The killing of deer with a firearm pursuant to Virginia Code § 29.1-529 on land of at least five (5) acres that is zoned for agricultural use.~~
- ~~(10) The discharge of a pneumatic firearm, as defined by county code section 26-4(a), at facilities approved for shooting ranges; on property where firearms may be lawfully discharged; and on private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.~~
- ~~(11) A managed hunt to control the wildlife population under the supervision of federal, state, or local law enforcement or game management officials.~~

**Sec. 26-20. Penalties.**

Unless otherwise provided, ~~A~~any person who violates any provision of this article shall be guilty of a misdemeanor and punished by confinement in jail not to exceed twelve (12) months, or a fine not to exceed one thousand dollars (\$1,000.00), or any combination of such confinement and fine.

State law reference: Virginia Code § 15.2-1429.

; and

BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

A Copy, teste:

---

Anthony J. Romanello, ICMA-CM  
County Administrator

AJR:JAH:dk