

DATE: February 1, 2012

TO: Members of the Public Safety Committee
Mr. Gary Comer, Chairman
Mr. John Blosser
Mr. Harry Durrett
&
Mayor, Larry Smith

FROM: Evan Vass, Town Manager

Re: Committee Meeting

A meeting of the Public Safety Committee will be held on Monday, February 6, 2012 beginning at 6:30 p.m.* in the Council Chambers of the Arthur L. Hildreth, Jr., Municipal Building.

TENTATIVE AGENDA

Call to Order and Establishment of a Quorum

1. Discussion and consideration of possible amendment(s) to Town Code regarding the use of pneumatic guns and other missile throwing devices
2. Other
3. Adjournment

* Please note all four (4) standing committees of the New Market Town Council meet on the first Monday of each month unless otherwise noted. Meetings begin promptly at 6:30 pm. Committees meet successively in the following order: Finance and Personnel, Public Works, Public Safety and Tourism, Economic Development and Historic Preservation. Those interested in attending or presenting at meetings should be present at 6:30 pm.

Public Safety Committee
Staff Report

1.) Discussion and consideration of possible amendment(s) to Town Code regarding the use of pneumatic guns and other missile throwing devices

Attached you will find a copy of the existing town code section 38-9 as well as the proposed amended code.

Amendments to enabling state code legislation adopted by the General Assembly in 2011 has severely limited the ability of local government to regulate the use of pneumatic guns on private property; provided the act is done “with reasonable care to prevent a projectile from crossing the bounds of the property.” The amendment recognizes that the state has essentially legalized the use of pneumatic guns on private property; therefore, the proposed amendment provides enforcement discretion by better defining “reasonable care.” The amendment increases the penalty from a class 4 misdemeanor to a class 3 per the Virginia State Code.

Included in the amendment is a definition for the use of archery tackle. The Virginia State code also provides that archery tackle may be used on private property provided the arrow does not cross the property boundary. The existing Town Code does not address archery tackle.

The proposed amendment code section has been reviewed and approved by both the Chief of Police and Town Attorney.

New Market Town Code Section 38-9. Gravel shooters, slingshots, pneumatic guns, bows and other missile-throwing devices.

(A) Pneumatic guns

- 1 The shooting of pneumatic guns is prohibited unless the use occurs at a facility approved for shooting ranges, on property where firearms may be discharged or on or within private property with permission of the owner or legal possessor thereof and when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.
- 2 A pneumatically fired projectile shall not cross the property boundary of an adjoining property owner without the express permission of the property owner;
- 3 A pneumatically fired projectile cannot be discharged across or from any public road, right of way or public property;
- 4 A pneumatically fired projectile shall not be deliberately discharged at a structure or dwelling house;
- 5 A pneumatically fired projectile shall not be discharged at any domesticated animal or protected species;
- 6 Minors below the age of 16 may only use pneumatic guns with adult supervision; and
- 7 Minors above the age of 16 may only use pneumatic guns if they have the written consent of a parent or guardian.

(B) Missile-throwing devices.

The use of gravel shooters, slingshots, or other missile throwing devices which are capable of doing injury to persons or property are prohibited.

(C) Compound bows, crossbows, longbows and recurve bows.

The shooting of an arrow from a 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 is prohibited. The term "bow" includes all compound bows, crossbows, longbows and recurve bows having a peak draw weight of ten pounds or more. The term "bow" does not include bows which have a peak draw of less than ten pounds or which are designed or intended to be used principally as toys. The term "arrow" means a shaft like projectile intended to be shot from a bow.

(D) Penalty

Any person found guilty of violating the prohibitions of this section shall be guilty of a class 3 misdemeanor.

(c) The town treasurer shall issue permits to retail merchants for special sales as required by subsection (a) of this section upon the application of such merchant and shall inspect the advertisement and conducting of such sale to ensure that it is being advertised and conducted in conformity with the required permit.

(d) All applications for special sale permits shall be accompanied by an inventory, including the kind and quantity of all goods which are to be offered for sale during the sale and only the goods specified in the inventory list may be advertised or sold during the sale period. Goods not included on the inventory of special sale goods shall not be commingled with or added to the special sale goods. The town shall have the right to revoke a special sale permit upon proof that goods not appearing on the original inventory of special sale goods have been commingled with or added to the special sale goods.

(e) Each special sale permit shall be valid for a period of 30 days, and any extension of that time shall constitute a new special sale and shall require an additional permit.

(f) The fee for the issuance of special sale permits shall be as set from time to time by the town council for each permit.

(g) Any person who advertises such sale shall conspicuously include in the advertisement the permit number assigned for the sale by the town and the effective dates of the sale as authorized in the permit.

(Code 1977, § 13-6)

Cross reference—Businesses, ch. 22.

State law reference—Similar provisions, Code of Virginia, §§ 18.2-223, 18.2-224.

Sec. 38-9. Gravel shooters, slingshots, airguns or other missile-throwing devices; shooting.

Any person who shall, within the corporate limits of the town, shoot any airgun, gravel shooter, slingshot or any other type of missile-throwing device, which is capable of doing injury to persons or property, shall be guilty of a class 4 misdemeanor for each such violation.
(Code 1977, § 13-7)

State law references—Carrying weapon into courthouse, Code of Virginia, § 18.2-283.1; carrying weapons generally, Code of Virginia, § 18.2-308 et seq.

Sec. 38-10. Halloween; visitations to private property.

It shall be unlawful for any person to go upon the property of another without prior invitation for the purpose of seeking or obtaining candies, fruits, or like articles on Halloween or on the day preceding or on the day following Halloween, or for the purpose of engaging in the practice commonly called "trick or treat." This section shall not apply between the hours of 5:00 p.m. and 9:00 p.m. to any child who has not or have not attained the age of 12 years. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.
(Code 1977, § 13-8)

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