



Firearms Safety Advisory Committee (Backstops/Shooting At Night)
Tuesday, February 24, 2026
6:00 PM
Training Room- 14010 Boydton Plank Road, Dinwiddie, Virginia 23841

1. ROLL CALL

2. INTRODUCTION

3. DISCUSSION

Documents:

[Cover Memo for February 24 2026 Meeting.pdf](#)

[Locality Firearms Rules Chart 2.18.2026.pdf](#)

[Examples of Other Ordinances 2026 \(Updated\).pdf](#)

[Selected Materials from 2014 Committee Meeting.pdf](#)

4. ADJOURNMENT

MEMORANDUM

TO: Firearms Safety Advisory Committee (Backstops/Shooting At Night)
FROM: Tyler C. Southall, County Attorney
DATE: February 20, 2026
SUBJECT: Materials for Meeting on February 24, 2026

Background

Following instances of unsafe firearms discharges in the County, the Board of Supervisors appointed this Committee to examine whether a new County ordinance was needed with respect to backstops and/or shooting at night.

In an effort to assist the Committee, attached please find a chart showing summaries of ordinances from other localities to include backstop/containment rules, distance rules, and time of day/night shooting rules. Copies of relevant portions of those ordinances are also included.¹ Although the County Attorney's Office makes no recommendation of what the Committee should recommend, it does want to point out several ordinances that other localities use. Isle of Wight County prohibits target shooting between 9 PM and 9 AM, which provision can be viewed in Section 12-11.1(3) of the Isle of Wight County Code on page 1 of the "Examples of Ordinances from other Localities in 2026" document. Chesterfield County has a simple and general backdrop requirement that appears in Section 14-10(b) of the Chesterfield County Code, which can be viewed on page 7 of the "Examples of Ordinances from other Localities in 2026" document. The City of Danville has much more detailed (and more difficult to comply with) backdrop rules on pages 2–6 of the "Examples of Ordinances from other Localities in 2026" document. A number of localities use distance requirements, and if there was a desire to do so, a distance requirement could be combined with a backstop requirement, which would have the effect of requiring backstops for target shooting if it was within a certain distance of others' houses.

Also in an effort to assist the Committee, some materials from a similar committee that met in 2014 and 2015 are included. Although a decade has passed and some of the sections of the Virginia Code have been amended, for the purposes of localities regulating backstops and shooting at night, Virginia law is basically the same. It is noted that references to the Commonwealth's Attorney in these documents are generally to Lisa Caruso, who was then Commonwealth's Attorney.

In discussions with the previous committee, it was noted that the noise ordinance may not be the best way to regulate gunshots. Virginia Courts have held that a noise ordinance must be objective rather than subjective. This means that noise ordinances must have measurable standards to constitute a violation. Thus, a noise ordinance could prohibit "noise that is plainly audible inside the confines of a dwelling place." The problem with such a formulation is that it might prohibit noises that were not intended to be prohibited, including firearms discharges in rural areas, far away from anyone. It is also noted that

¹ Although hunting may be referenced in some of the ordinances, no effort was made to summarize hunting ordinances as that is not the topic of this committee.

Virginia Code Section 15.2-917 states that “[n]o local ordinance regulating any noise shall subject a sport shooting range to noise control standards more stringent than those in effect at its effective date.”²

² Sport shooting range means “an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.” Effective date means “the time the construction or operation of the sports shooting range initially was approved, or at the time any application was submitted for the construction or operation of the sports shooting range, whichever is earliest.” Va. Code Section 15.2-917(C).

Summary Chart of Ordinances from Other Localities (2026)

Locality	Backstop or Containment Rules	Distance Rules	Time of Day Rules	Other Notes
Isle of Wight County	Unlawful to discharge in such a way as will, or is likely to, result in the load thereof leaving the boundaries of the property or parcel upon which the firearm is lawfully discharged, unless permission to do so has been granted by the adjacent land owner. A projectile leaving the boundaries of the property or parcel shall be prima facie evidence of a violation of this section. Section 12-11.1(1).	Prohibits firearms discharge within 100 yards of (i) dwelling of another, (ii) business establishment, (iii) public building, (iv) public gathering, or (v) public meeting place, unless dwelling owner or occupant has given permission. Section 12-11.1(2).	Prohibits target shooting between 9 PM and 9 AM. Section 12-11.1(3).	Any person violating section shall be guilty of class 1 misdemeanor. Section 12-11.1(4). There are exceptions for the following categories: (i) law-enforcement officer in the performance of his official duties; (ii) any person whose discharge of a firearm is justifiable or excusable at law in the protection of life or property; (iii) the discharge, on land zoned for agricultural use, of a firearm for the killing of deer pursuant to Section 29.1-529 of the Code of Virginia (1950, as amended); (iv) the discharge of a firearm that is otherwise specifically authorized by law; (v) the discharge of black powder firearms using blanks as part of historical re-enactments, historical living history programs and historical demonstrations; (vi) the discharge of starter blank weapons to initiate athletic competitions; or (vii) ceremonial and patriotic displays using blanks. Section 12-11.1(5).
Danville City	Detailed rules for backstops at outdoor shooting ranges, which need to be at least thirteen (13) feet high for pistols and at least thirty (30) feet high for rifles. Backstop slope should be as steep as possible, but no less than 45 degrees. Backstops can be natural hill or manmade embankment, they can consist of sandbags that are at least two feet thick, or they can be stacked and staggered automobile tires filled with sand or rock free earth. They can also include steel plates, with the thickness and hardness determined by which firearms are used at those sites. There are large safety zones for unbaflled firing ranges, that would likely be difficult to achieve. City Code Section 40-3(a).	Gunfire prohibited, except for necessity or at a firing range approved by Chief of Police in compliance with standards. City Code Section 40-3(b).		These rules are for a City, but are the most detailed code of a Virginia locality regarding backstops that the County Attorney's Office has been able to find.
Chesterfield County	Any person target shooting with a firearm shall only discharge such firearm into a natural or man-made berm or backstop so that it prevents projectiles from entering the property of another. A backstop is defined as a device to stop, redirect, and or contain bullets fired on a range. A berm is defined as an embankment used for restricting bullets to a given area, or as a protective or dividing wall between ranges. Section 14-10(b).	No person shall discharge any firearm within the county within 600 feet of a (i) dwelling of another; (ii) business establishment; (iii) public building; (iv) public gathering; or (v) public meeting place. Section 14-10(a).	Chesterfield County noise ordinance does not mention firearms, and does not seem to cover them. Section 14-27.	Contains exceptions very similar to Isle of Wight. Section 14-10(c).
Amelia County	Was not able to find any local rules.	Was not able to find any local rules.	Amelia County noise ordinance does not mention firearms, and does not seem to cover them. Chapter 96.	
Nottoway County	There are rules regarding pre-approval for construction of any rifle, pistol or shotgun target range, including events normally known as "turkey shoots". Such pre-approval must be obtained from the Clerk of the Board of Supervisors. Section 110-1; 110-3. There are construction requirements, which were stated to be on file at the office of the County Administrator in Nottoway County. Upon request, Nottoway did not seem to have any knowledge of the details of such construction requirements. Section 110-5. Annual reapproval is required Section 110-4 with a \$5 annual fee.	No discharge at a target shoot shall be within 100 yards of any public road.	Although Nottoway County noise ordinance does not mention firearms, it bans any "unreasonably loud, disturbing, or unnecessary noise". This formulation was deemed unconstitutional by the Virginia Supreme Court in a case known as <i>Tanner v. City of Virginia Beach</i> . Chapter 82.	The chapter is enforced by the County Administrator and Sheriff of Nottoway County. Section 110-6. Violations are punishable by \$1,000 fine and/or up to 30 days in jail. Section 110-7.

Summary Chart of Ordinances from Other Localities (2026)

Brunswick County	Was not able to find any local rules.	Was not able to find any local rules.	Was not able to find any local rules.	
Greenville County	Was not able to find any local rules regarding shooting ranges.	Was not able to find any local rules, except as it related to hunting within 10 feet of the outside banks of ditches of roads, particularly with respect to near roads and near a certain reservoir. (Sections 20-3 & 20-4)	Within constitutional limitations discussed above, Greenville Noise ordinance (Sections 15-51 to 15-55) does not appear to meaningfully limit firearms discharges.	
Sussex County	Pistol range is allowed with a conditional use permit. Section 34-217.	Was not able to find any local rules, other than some hunting rules.	There is a general prohibition on noises that can be heard more than 200 feet away between 10 PM and 6 AM. Section 20-103(1). There is an exception for sport shooting ranges if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved. Section 20-104(13)	Penalty for first time offense of noise ordinance is \$250. Penalties for subsequent offenses are \$500. Section 20-106.
Prince George County	Prince George allows “turkey shoots” with a special exception in the A-1 general agricultural and R-A residential agricultural districts, subject to the following conditions (quoted verbatim here): (1) <i>Distance and direction of discharge from public road.</i> The point of discharge of firearms must be at least 300 feet from the right-of-way of a public road or private easement, and the direction of discharge of such firearms shall be in the opposite direction of such public road or private easement. (2) <i>Distance and direction of discharge from occupied dwelling or structure.</i> No firearm shall be discharged within 1,000 feet of an occupied dwelling, structure, or boundary of the applicant’s property. This subsection may be waived with written permission from adjoining landowners, provided that the direction of discharge of such firearms shall be in the opposite direction of such occupied dwelling or structure. (3) <i>Rifles prohibited.</i> The use of rifles is prohibited. Prince George Code Section 90-1031.	There are distance limitations, but they are in the context of hunting: (1) no person shall discharge or shoot any firearm or other weapon for the purpose of <i>hunting or attempting to hunt</i> in, along, toward, or within 50 feet of any primary or secondary highway in the county and (2) no person shall discharge or shoot any firearm or other weapon for the purpose of hunting or attempting to hunt within 100 yards of any building occupied or used as a dwelling or place where the public gathers, to include school property. (This building rule does not apply a person’s own dwelling, or if they have permission from the owner.) Section 6-9.	Prince George’s noise ordinances does not appear to apply to firearms discharges. Section 54-23.1	Turkey shoot does not appear to have a definition given to it in the Prince George Code, but a turkey shoot is an organized shooting event, often with a prize for those who shoot with the greatest accuracy. A violation would be treated as a zoning violation. Violations of Section 6-9 are a class 3 misdemeanor.
City of Petersburg	The discharge of firearms is generally prohibited in the City of Petersburg, with very narrow exceptions. Section 74-208.	The discharge of firearms is generally prohibited in the City of Petersburg, with very narrow exceptions. Section 74-208.	The discharge of firearms is generally prohibited in the City of Petersburg, with very narrow exceptions. Section 74-208.	City of Petersburg is a very different jurisdiction than the County of Dinwiddie and is included only because all other neighbors of Dinwiddie were included.
New Kent County	Very detailed rules are given in Section 98-873(c) for specific conditions for certain ranges (which are listed as “public, semipublic, institutional, recreational”, but it is not clear that these rules would	No shooting within 150 feet of public or semi-public road at a turkey shoot and no turkey	No turkey shoots before 9 AM or after 10 PM, except Friday and Saturday nights may go to 11 PM. Section 46-	

Summary Chart of Ordinances from Other Localities (2026)

	apply to a strictly small-scale private use). Section 98-745 also gives specific rules for pistol ranges. Section 98-745(b)(11) also gives rules for pistol ranges. There are also rules for turkey shoots that—among other things—prevent the discharge of firearms within 500 feet of any unrelated commercial building or residential dwelling. Section 98-745(b)(20)(e).	shoots in residential subdivisions. Section 46-226. No hunting with firearm within 100 yards of primary or secondary road. Section 46-223. Also see Section 98-873(c), which gives detailed rules for certain ranges.	226. Operation of certain ranges shall be between 7 AM and 7 PM, unless sunrise or sunset is more restrictive. Section 98-873(c)(1)(m). New Kent's noise ordinance contains the constitutionally frowned upon reasonableness standard in their noise ordinance, and exempts rifle ranges, gun clubs, and similar sporting facilities. See Section 46-124.	
Powhatan County		In RR district, shooting ranges must be further than 300 feet from roads and property boundaries. Section 83-177.	Although it is not clear that noise from firearms is prohibited by the noise ordinance within certain hours (10 PM to 7 PM), the noise ordinance does not apply “to any firearms discharges, except those occurring at non-sport shooting ranges, firing ranges or firearms training facilities not in operation at the time of adoption”. Section 42-32.	In RR zoning district, allows shooting or archery ranges permitted by property owner for benefit of non-profit, non-commercial or community service organizations, provided that the owner participates in the operation of the range. Range must be on parcel ≥ 30 acres, possibly including adjoining properties. No part of such use shall be located any closer than 300 feet to the public road right-of-way, or 300 feet from any other property boundary. Use of such range shall not be open to the general public. The range shall operate only during daylight, and not before 10 AM. No automatic weapons shall be used. Section 83-177. Commercial ranges are allowed with a CUP in other districts.
Goochland County		Short term renters (think AirBNB) may not discharge firearms on rented property. 15-285(G)(9).	All shooting of firearms that is lawful under state and local law is exempt from the Goochland noise ordinance. Section 10-44(4).	Gun ranges, rifle ranges, and skeet shooting ranges are allowed with a conditional use permit in the business and commercial/industrial zoning districts. These appear to be commercial ranges. Section 15-102 & 15-112.
Hanover County		No discharge of firearm w/in 100 yards of a public road or 100 yards of any building occupied or used as a dwelling, except residence of shooter. Exception for lawful defense. Section 24-4.	Although firearms are not mentioned, noise ordinance could potentially apply to firearms. Chapter 16.	Rifle and pistol ranges and trap and skeet shooting are permitted with conditional use permits in certain zoning classifications depending on the zoning classification. Sections 26-111, 26-21, and 26-36. This appears to apply to commercial ranges.
Louisa County		Intent may be limited to hunting, but it says: “It shall be unlawful for any person to illegally discharge firearms within the boundaries of any subdivision in which there are two or more dwellings and which is located within an area zoned residential, provided that clearly visible signs stating that hunting is prohibited in such subdivision have been posted to designate the boundaries of such subdivision. Section 54-6	There is an exception for lawful discharge of firearms. Section 51-5.	Indoor and outdoor shooting ranges for commercial purposes are defined. Section 86-13. They are allowed by right or with a conditional use permit, depending on district. Section 86-109.

Examples of Ordinances from Other Localities in 2026*

- Backstop/containment rules
- Distance rules
- Time of day and/or noise rules

*Large summary chart provides brief overview of these ordinances by locality.

Sec. 12-11.1 - Discharging firearms.

It shall be unlawful for any person to discharge a firearm:

- (1) In such a way as will, or is likely to, result in the load thereof leaving the boundaries of the property or parcel upon which the firearm is lawfully discharged, unless permission to do so has been granted by the adjacent landowner. A projectile leaving the boundaries of the property or parcel shall be prima facie evidence of a violation of this section.
- (2) Within one hundred yards a (i) dwelling of another; (ii) business establishment; (iii) public building; (iv) public gathering; or (v) public meeting place, except that the one hundred yard limitation shall not apply if the dwelling owner or occupant has given permission.
- (3) In addition to the limitations set forth in subsection (b) above, any person target shooting with a firearm shall (i) only discharge such firearm into a natural or man-made berm or backstop so that it prevents projectiles from entering the property of another. A backstop is defined as a device to stop, redirect, and/or contain bullets fired on a range. A berm is defined as an embankment used for restricting bullets to a given area, or as a protective or dividing wall between ranges; (ii) shall not target shoot between the hours of 9:00 p.m. and 9:00 a.m.
- (4) Any person violating the provisions of this section shall be punishable as a Class 1 misdemeanor.
- (5) This section shall not apply to a (i) law-enforcement officer in the performance of his official duties; (ii) any person whose discharge of a firearm is justifiable or excusable at law in the protection of life or property; (iii) the discharge, on land zoned for agricultural use, of a firearm for the killing of deer pursuant to Section 29.1-529 of the Code of Virginia (1950, as amended); (iv) the discharge of a firearm that is otherwise specifically authorized by law; (v) the discharge of black powder firearms using blanks as part of historical re-enactments, historical living history programs and historical demonstrations; (vi) the discharge of starter blank weapons to initiate athletic competitions; or (vii) ceremonial and patriotic displays using blanks. (10-2-08; 2-15-24.)

For state law as to authority of the county to regulate the discharge of firearms, see Code of Va., §§ 15.2-1209, 18.2-280 and 29.1-527.

Sec. 40-3. - Discharging firearms.

- (a) It shall be unlawful and a Class 1 misdemeanor for the owner or operator of any firing range to permit any person to fire or discharge a firearm on such firing range until such firing range has been approved by the Chief of Police as being in compliance with the following standards:

STANDARDS FOR RIFLE,
SKEET OR TRAP RANGES

Outdoor Range(s)

Backstops:

- A. Shall be required in all cases.
- B. Must be capable of stopping and containing bullets used on the range.
- C. Can be a natural hill or manmade embankment:
 - 1. Free of rock or hard material.
 - 2. A minimum of thirteen (13) feet high for pistol and a minimum of thirty (30) feet high for rifles.
 - 3. Back stop slope should be as steep as possible but no less than 45°.
 - 4. Shall extend beyond ends of target lines.
- D. Other suitable backstops:
 - 1. Sandbags at least two (2) feet thick.
 - 2. Stacked and staggered automobile tires filled with sand or rock free earth.
 - 3. Angled steel plates—thickness and hardness depends on firearms used on the range. May also be used as "eyebrows" on other backstops.

Impact Areas and Safety Zones: Shall extend to maximum range potential. Other factors such as topography or baffling may reduce safety zone.

- 1. Safety zone shall be uninhabited and posted against trespass.
- 2. A safety zone shall include a safety fan if range is unbaffled. At a minimum this should comprise a 20° angle extending outward from each end of the firing line for a distance of at least 1200 yards.
 - a. Rifle Range. A safety zone of 2600 yards shall be required on unbaffled firing range(s).
 - b. Pistol Range. A safety zone of 1000 yards shall be required on unbaffled firing range(s).
 - c. Shotgun Facilities.
 - (1) Safety fan for 300 yards:
 - (a) For skeet, arc of 180° maximum; 150° minimum, center right to left of houses.

(b) For trap, arc of 94 to 100° centered on trap house.

Indoor Range(s)

Backstops:

Steel plates at 40 to 42° angle supported by concrete or masonry shall be anchored by expansion bolts or toggle bolts, as suitable for the construction, with flush countersunk heads, not more than twelve (12) inches on center of all edges of each plate. Joints and edge lines shall be backed with continuous ½-inch plate no less than four (4) inches wide. Bolts shall pierce both facing and back plate. Expansion bolts shall penetrate concrete not less than two (2) inches. Steel plates shall have milled edges at all joints.

Joints shall be butted flush and smooth. Plates shall be free from buckle or wave after erection. Exposed edges shall be beveled at 42° to a fillet approximately 1/16 -inch thick. There shall be no horizontal joints in any steel plate work. Welding shall be in accordance with the American Welding Society Code for Welding in Building Construction.

Steel plates jointed at and supported on structural steel supports shall be spot welded to steel supports not more than six (6) inches on center.

Alternate fabrication and erection may include welding. If this method is used, all surface welds shall be ground smooth.

If the range is to be used for .22 LR-RF only, ¼-inch plate of 235 BHN minimum may be used, with recommended maximum angle of 40 to 42° above horizontal. For .38 and .45 handguns, assuming .45 ACP cartridge to be most powerful to be used, ¼-inch plate with hardness of 360 BHN minimum should be used, with recommended maximum angle of 40 to 42° above horizontal. For high velocity pistol calibers, the plate should be ¾-inch with a hardness of 450 BHN at a 40° angle.

Bullet traps such as "Venetian Blind" and "Escalator" type properly installed are recommended.

Indoor range(s) shall be designed to contain all bullets within its walls, ceiling and floor.

Range Ventilation:

Proper ventilation to remove carbon monoxide, carbon dioxide, nitrogen oxides, methane, and solid organic material formed by the combustion of smokeless powder shall be required.

Proper ventilation is necessary because air-borne lead can easily pass through the nose into the lungs, stomach and directly into the blood stream.

Safety Requirements for All Ranges

A. All ranges shall have clearly defined shooting stations, shooting lanes and target areas. On shotgun range(s) there shall be a 300-yard safety zone in which the shots shall fall. Shot size allowed on shotgun range(s) shall be 7 ½s, 8s, and 9s.

B. Notice shall be prominently posted of the days and hours range will be open.

C. "Shooting Range—No Trespassing" signs shall be prominently posted to apply when range is closed.

D. Ranges shall be fenced to prevent unauthorized use or accidental trespassing.

E. A red pennant flag (six (6) feet long, three (3) feet at pole end, tapering to one and one-half (1½) inch at tip) shall be displayed whenever range is in operation.

F. Proper signs marking impact areas and safety zones shall be prominently posted.

G. Signs bearing the following legend will be prominently posted around the perimeters of the property containing the firing range: "Shooting Range—Caution—Keep Out"

H. The following additional safety measures shall be required:

1. Gun racks
2. Shooting benches and sandbags
3. Fence or rope to keep spectators behind the assembly area which is immediately behind firing line area.

I. Whenever the firing range, or any part thereof, is in use, a firing range supervisor shall be present and shall supervise the discharge of any firearms thereon. The firing range supervisor shall not permit any person to discharge a firearm on the range without his consent, and he shall cause any person who fails or refuses to comply with his or her directions to leave the range. For purposes of this section, "firing range supervisor" shall mean a person designated by the owner or operator of a firing range to be responsible for maintaining strict control over the persons using the range. Such person shall have a full understanding of the function and capabilities of the firearms being used on the range and the safety measures necessary for proper use of the range.

Certification by the Chief of Police

That a Firing Range

Complies or Does Not Comply

With These Safety Standards

The Chief of Police shall give written notice, delivered either in person or by certified mail—return receipt requested, to the owner and/or operator of each firing range in the City of his determination of whether or not such firing range is in compliance with the safety standards set forth above. Such notice shall be prominently displayed at the firing range. If it is subsequently discovered that a firing range is no

longer in compliance with such standards, the Chief of Police may revoke his approval by giving written notice of such revocation to the owner and/or operator of such firing range in person or by certified mail—return receipt requested. Such notice of revocation shall be prominently displayed at said firing range.

- (b) It shall be unlawful and a Class 1 misdemeanor for any person, without necessity, to fire or discharge within the City or any of its parks any cannon, pistol or other firearm of any kind, except that a person may fire or discharge an appropriate firearm on a firing range approved by the Chief of Police as being in compliance with said standards.

(Code 1962, § 17-57; Ord. No. 87-9.16, 9-29-87; Ord. No. 88-5.1, 5-3-88)

Cross reference— Penalty for a Class 1 misdemeanor, § 1-11.

State Law reference— Authority of City to regulate or prohibit discharge of firearms, Code of Virginia, § 15.2-1113; discharging firearms in streets or public places, §§ 18.2-280, 18.2-286.

Sec. 14-7. - Firearms, etc.—Hunting with firearms on secondary and primary highways prohibited.

- (a) No person shall hunt or attempt to hunt with a firearm any game bird or game animal while the hunting or attempt to hunt is on any primary or secondary highway in the county.
- (b) For the purpose of this section the terms "hunt" or "attempt to hunt" shall not include the necessary crossing of highways for the bona fide purpose of going into or leaving a lawful hunting area.
- (c) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00.

(Code 1978, § 15.1-22)

State Law reference— Authority of county to adopt this section, Code of Virginia, § 29.1-526.

Sec. 14-8. - Same—Transporting loaded rifle or shotgun.

- (a) No person shall transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any primary or secondary highway within the county.
- (b) The provisions of this section shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties, or to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.
- (c) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00.

(Code 1978, § 15.1-22.1)

State Law reference— Authority of county to adopt this section, Code of Virginia, § 15.2-915.2.

Sec. 14-9. - Same—Carrying loaded firearms on public highways.

- (a) No person shall carry or have a loaded firearm in his possession, for the purpose of hunting, while standing or walking on any part of a public highway within the county when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking. The provisions of this section shall not apply to (i) persons carrying loaded firearms in moving vehicles; (ii) persons acting at the time in defense of persons or property; or (iii) persons carrying loaded firearms for purposes other than hunting.
- (b) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than \$100.00.

(Code 1978, § 15.1-22.2; Ord. of 9-21-05(1), § 1; Ord. No. 8-22-07, § 1)

State Law reference— Authority of county to adopt this section, Code of Virginia, § 15.2-1209.1.

Sec. 14-10. Same—Discharging firearms or shooting arrows from bows.

- (a) No person shall discharge any firearm within the county within 600 feet of a (i) dwelling of another; (ii) business establishment; (iii) public building; (iv) public gathering; or (v) public meeting place.
- (b) In addition to the limitations set forth in subsection (a) above, any person target shooting with a firearm shall only discharge such firearm into a natural or man-made berm or backstop so that it prevents projectiles from entering the property of another. A backstop is defined as a device to stop, redirect, and or contain bullets fired on a range. A berm is defined as an embankment used for restricting bullets to a given area, or as a protective or dividing wall between ranges.
- (c) As to firearms, this section shall not apply to a (i) law-enforcement officer in the performance of his official duties; (ii) any person whose discharge of a firearm is justifiable or excusable at law in the protection of life or property; (iii) the discharge, on land of at least five acres that is zoned for agricultural use, of a firearm for the killing of deer pursuant to Code of Virginia, § 29.1-529; (iv) the discharge of a firearm that is otherwise specifically authorized by law; (v) the discharge of black powder firearms using blanks as part of historical re-enactments, historical living history programs and historical demonstrations; (vi) the discharge of starter blank weapons to initiate athletic competitions; or (vii) ceremonial and patriotic displays.
- (d) Except for target shooting, no person shall shoot an arrow from any bow within the county within 150 feet of a (i) business establishment; (ii) public building; (iii) public gathering; (iv) public meeting place; or (v) dwelling of another, except that the 150-foot limitation shall not apply if the dwelling owner or occupant has given permission.
- (e) As to shooting arrows from bows, this section shall not apply to shooting an arrow from a bow for the killing of deer pursuant to Code of Virginia § 29.1-529 on land of at least two acres that is zoned for agricultural use.
- (f) For purposes of this section, *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 that have a peak draw of less than ten pounds or that 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.
- (g) Any person violating the provisions of this section shall be punishable by a fine of not more than \$1,000.00.

(Code 1978, § 15.1-22.3; Ord. of 9-21-05(1), § 1; Ord. of 12-13-06(2), § 1; Ord. of 2-24-10(2), § 1; Ord. of 12-16-20(2), § 1)

State Law reference— Authority of county to adopt this section, Code of Virginia, § 15.2-1209.

Editor's note— Ord. of 2-24-10(2), § 1, amended § 14-10 title to read as herein set out. Former § 14-10 title pertained to similar subject matter.

Sec. 14-11. - Same—Hunting or carrying a loaded firearm near public schools or parks.

- (a) No person shall shoot, hunt or attempt to hunt with a firearm within 100 yards of any property line of any county public school or county park.
- (b) Except for handguns carried lawfully pursuant to Code of Virginia, § 18.2-308(B)(6), no person while hunting shall transport, possess or carry a loaded firearm within 100 yards of any property line of any county public school or county park.
- (c) This section shall not apply to lands within a national or state park, state forest or wildlife management area.
- (d) The provisions of this section shall not apply to the discharge of a firearm for the killing of deer pursuant to Code of Virginia, § 29.1-529. This exemption shall apply on land of at least five acres that is zoned for agricultural use.
- (e) Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.

(Code 1978, § 15.1-22.4; Ord. of 9-21-05(1), § 1; Ord. of 10-24-12, § (1))

State Law reference— Authority to regulate, Code of Virginia, § 15.2-1209; authority to prohibit activity, Code of Virginia, § 29.1-527.

Sec. 14-12. - Same—Hunting with rifles or handguns.

- (a) No person shall hunt deer or turkey with a rifle in Chesterfield County, except as provided in subsection (c) herein.
- (b) Small game animals may be hunted only with a rifle or handgun that has a caliber no larger than .22 and only during the prescribed open seasons, unless prohibited by the Code of Virginia, Virginia Administrative Code, or federal law or regulations.
- (c) It shall be lawful to hunt game animals with a muzzle-loading rifle during the prescribed open seasons. For the purpose of this section a muzzle-loading rifle is any rifle as defined by Title 29 of the Code of Virginia or Virginia Administrative Code Section VAC15-90-80.
- (d) For the purpose of this section, game animals shall be those animals as defined by the Code of Virginia or the Virginia Administrative Code.
- (e) Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

(Code 1978, § 15.1-22.5; Ord. of 4-10-02, § 1; Ord. of 5-22-02, § 1)

Editor's note— This section formerly pertained to muzzle-loading rifles; § 1 of an ordinance adopted April 10, 2002 amended § 14-12 to pertain to hunting with rifles or handguns, generally.

Sec. 14-27.- Loud noises prohibited.

It shall be unlawful for any person:

(a) To use, operate or play, or allow anyone to use, operate or play, any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible as follows:

(1) Between 11:01 p.m. and 7:00 a.m.:

- (i) Inside the confines of the dwelling unit, house or apartment of another person; or
- (ii) Off the property on which the device is located and at 50 or more feet from the device; or

(2) Between 7:01 a.m. and 11:00 p.m.:

- (i) Inside the confines of the dwelling unit, house or apartment of another person when the doors and windows of the dwelling unit, house or apartment are closed; or
- (ii) Off the property on which the device is located and at 300 or more feet from the device.

Excluded from the restrictions in subsections (a)(1) and (a)(2) are devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, duly authorized parades, public functions or commemorative events, devices used or played at a noise level approved in an applicable zoning condition, or devices used to alert persons to the existence of an emergency.

- (b) To allow or create noise between the hours of 11:01 p.m. and 7:00 a.m. that is plainly audible either inside the confines of the dwelling unit, house or apartment of another person or off the property on which the noise is occurring and at 50 or more feet when the noise is generated from a gathering of ten or more people.
- (c) To allow any animal or bird except farm animals in agricultural districts to create noise such that it is plainly audible at least once a minute for ten consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another; or (ii) at 50 or more feet from the animal or bird.
- (d) To operate, install, have, or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is plainly audible on any public sidewalk or street unless it is used only intermittently

for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.

- (e) To play or permit the playing of any radio, stereo, tape player, compact disc player, loudspeaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loudspeakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
- (f) To allow or create plainly audible noise in residential areas between 10:00 p.m. and 5:00 a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (g) To allow or create plainly audible noise in residential areas between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities.
- (h) Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00.

No person shall be charged with a violation of this section unless (i) a complainant appears before a magistrate and alleges the specific violation complained of, and that the complainant requested or made a reasonable attempt to request abatement of the violation; or (ii) a violation is committed in the presence of a police officer.

(Code 1978, § 15.1-25; Ord. of 9-23-2009(2), § 1; Ord. of 12-16-20(3), § 1)

Editor's note— Ord. of 9-23-2009(2), § 1, amended § 14-27 by amending the title. Former § 14-27 title pertained to same—same—enumeration. See the Code Comparative Table for complete derivation.

Cross reference— Unnecessary noise in operation of motor vehicles, § 13-15.

State Law reference— Authority to regulate noise, Code of Virginia, §§ 15.2-917, 15.2-919.

Chapter 110

TARGET RANGES

- | | |
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| § 110-1. Approval required; restrictions on discharge of firearms. | § 110-4. Term; renewal; fees. |
| § 110-2. Submission of application; time limits. | § 110-5. Construction requirements. |
| § 110-3. Grant or denial of permission; revocation; right of appeal. | § 110-6. Enforcement. |
| | § 110-7. Violations and penalties. |

[HISTORY: Adopted by the Board of Supervisors of Nottoway County 11-15-1977. Amendments noted where applicable.]

§ 110-1. Approval required; restrictions on discharge of firearms.

Pursuant to the authority of § 15.2-1200 of the Code of Virginia, it shall be unlawful for any person, landowner, organization or individual to construct or operate any rifle, pistol or shotgun target range, including events normally known as "turkey shoots," within the county without written approval by the Board of Supervisors or its Clerk. Such approval may be obtained upon application as provided by this chapter. No such construction shall provide for or allow any discharge of any firearm at any target within a distance of less than 100 yards of any public road in this county.

§ 110-2. Submission of application; time limits.

Application for approval of shooting or target ranges as required by this chapter shall be obtained from the County Administrator's office and shall be submitted to the Clerk to the Board of Supervisors at least 15 days prior to the event.

§ 110-3. Grant or denial of permission; revocation; right of appeal.

The Clerk to the Board of Supervisors in his discretion shall grant or deny the approval of a particular target or shooting range. Should an application be denied by the Clerk to the Board of Supervisors, the applicant shall have the right of appeal to the Board of Supervisors at its next regularly scheduled meeting. The Board of Supervisors, its clerk or the Sheriff of Nottoway County shall have the right to revoke any permit issued pursuant to this chapter, with like right of appeal.

§ 110-4. Term; renewal; fees.

- A. Approval for the construction or operation of a particular shooting or target range if granted shall be issued for a designated period, commencing July 1 and ending June 30 of

each year and renewed at the option of the Clerk to the Board with rights of appeal as provided by this chapter.

- B. A fee of \$5 shall be charged and collected to cover the costs involved in the issuance of permits and inspection of the same and/or renewals thereof.

§ 110-5. Construction requirements.

The physical construction of any target range or shooting range shall be in accordance with rules and regulations promulgated by the Board of Supervisors, which rules and regulations may be changed from time to time by majority vote of said Board at a regular meeting duly assembled.¹

§ 110-6. Enforcement.

The enforcement of this chapter shall be the responsibility of the Administrator and Sheriff of Nottoway County.

§ 110-7. Violations and penalties.

Any violation of this chapter shall be punishable by a fine of not to exceed \$1,000 and/or a jail sentence not to exceed 30 days in jail, pursuant to the authority of § 15.2-1429 of the Code of Virginia, as amended.

¹ Editor's Note: The rules and regulations are on file in the office of the County Administrator.

ARTICLE II. - NOISE

*Footnotes:**--- (1) ---*

Editor's note— Ordinance No. 90-02, adopted December 3, 1990, did not specifically amend the Code; hence codification of all substantive provisions as Art. II, §§ 15-51—15-55, was at the discretion of the editor.

Sec. 15-51. - General provisions.

It therefor shall be unlawful for any person, whether solely or together with another or others, to cause or allow to be made, upon property in the county which he/she owns or leases, or by which he/she has control, any unreasonable, or excessive noise or sound. The sound whether vocally, mechanically, electronically or otherwise, of such volume, duration or frequency shall not disturb, injure or endanger the quiet, comfort, health, peace or safety of any other person. All sources of noise (except for those not under direct control of occupant or use, such as vehicles) are applicable to these article provisions.

(Ord. No. 90-02, 12-3-90; Amd. of 1-18-00)

Sec. 15-52. - Noises prohibited.

The following acts, among others, are therefor declared to be disturbing and unreasonable noises in violation of this Code section, but said enumeration shall not be deemed exclusive, such as:

- (1) *Radios, phonographs, etc.* Radios, phonographs, amplifiers, loudspeakers, musical instruments. The using, operating or permitting the playing of, or using or operating any radio, phonograph, hi-fi, stereo system, loudspeaker, sound amplifier, musical instrument, electronic or other machine or device for the producing or reproducing of sound in a manner or such volume as to disturb, injure or endanger the quiet, comfort, repose, health, peace or safety of persons in any dwelling, vehicle or property who is not within the confines of such. Any noise or sound plainly audible at a distance of at least fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (2) *Operation.* The operation of any device, set, instrument, phonograph, or machine between the hours of 11:00 p.m. and 7:00 a.m., in such a manner to be audible, at a distance of fifty (50) feet from the building, Structure, or vehicle in which it is located shall be in violation of this Code section.
- (3) *Animals generally.* The keeping of any animal or bird, which by causing frequent or continued noise shall disturb the quiet, comfort or peace of any person in the vicinity to such extent as shall constitute a nuisance.

- (4) *Schools, courts, churches, hospitals, or public buildings.* The creation of any noise or sound on any street adjacent to any school learning institution, court in session, hospital, public building which in any way interferes with the operations of the institution, or disturbs patients within the hospital, school or public building.

(Ord. No. 90-02, 12-3-90; Amd. of 1-18-00)

Sec. 15-53. - Method of measurement; meaning of terms.

- (a) *Ambient noise* is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.
- (b) *Band level* is the total sound level of all noises as measured over a specified range of frequencies with a sound level meter using the "A" weighing network.
- (c) *Decibel* is a logarithms unit used to express the magnitude of a change in level of sound intensity.
- (d) *Means of measurement.* Such sound and/or noise is to be measured by a sound level meter meeting ANSI SI.4-1983 American National Standard Method of Measurement of Sound Pressure Levels.
- (e) *Measurement of sound and/or noise* shall be accomplished by using the "A" weighing network, and in accordance to all standard of measurement of sound, including all such reference tables set forth in (ANSI SI.4-1971) ASA 47-1983.
- (f) *Person* is any person, person's firm, association, copartnership, joint venture, cooperation or any utility.
- (g) *Sound level meter* is an electronic instrument which includes a microphone, an amplifier and an output meter which measures noise and sound pressure levels in a specified manner.
- (h) *All technical definitions* are in accordance with ANSI SI.4-1983 and ANSI SI.13 (1971) (R1976) American National Standard Method of Measurement of Sound Pressure Levels.

(Ord. No. 90-02, 12-3-90)

Sec. 15-54. - Exemptions.

The following uses and activities shall be exempt from these Code section regulations:

- (1) Noises created during the conduct of any agricultural activity. As used herein, the definition of "agricultural activity" shall be the definition set forth in the county zoning ordinance.
- (2) Noises created as a result of any business activity which had been conducted prior to the adoption hereof. To qualify for this exemption, the business must prove that it was in operation prior to the adoption hereof, and that its business was being conducted in compliance with local, state and federal laws and regulations.

(3)

Noises created thereby any fire, rescue, police, ambulance, or other emergency vehicles or aircraft.

- (4) Noises of safety signals, warning devices, or emergency pressure valves, etc.
- (5) Any noise resulting from activities of a temporary duration permitted by law and for which a license and/or a permit therefor has been granted by the county in accordance to the Code. Whether any such activity, function, event shall be prohibited or limited, either expressly or by necessary implication, by the terms or conditions of any required use permit issued in connection therewith, or to the extent that such function, event, or activity shall be conducted without a use permit when such permit is required by the terms of the county zoning ordinance.
- (6) Noises created incidental or necessary to the conduct of industrial activity when such industrial activity is authorized by a conditional use permit approved under the Greenville County Zoning Ordinance, as adopted and amended from time to time.

(Ord. No. 90-02, 12-3-90; Amd. of 8-19-13)

Sec. 15-55. - Enforcement of prohibition.

Any person or persons violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding two hundred fifty dollars (\$250.00), and upon subsequent conviction within a period of twelve (12) months, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) and imprisonment not to exceed ninety (90) days. Lesser amount for maximum fines may be utilized.

(Ord. No. 90-02, 12-3-90)

Secs. 15-56—15-75. - Reserved.

Sec. 20-3. - Hunting with firearms prohibited near ditches of certain highways.

- (a) It shall be unlawful to hunt or attempt to hunt with a firearm any game bird or game animal while the person so hunting or attempting to hunt is on any primary or secondary state maintained highway and within ten (10) feet beyond the outside banks of the ditches on either side of such highway in Greensville County.
- (b) For the purpose of this section, the terms "hunt" or "attempt to hunt" shall not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting area.
- (c) A violation of this section shall constitute a Class 3 misdemeanor.

(Ord. No. 83-06, 6-21-83; Amd. of 1-18-00)

Cross reference— Penalty for Class 3 misdemeanor, § 1-10.

State Law reference— Authority for above section, Code of Virginia, § 29.1-526.

Sec. 20-4. - Use of firearms for hunting on Emporia Water Reservoir property prohibited.

(a) It shall be unlawful for any person to hunt while on any portion of the Meherrin River which lies closer to the Emporia Hydroelectric Project Dam than four thousand eight hundred (4,800) feet, which is a point generally south of the terminus of Riverview Road. The property on which hunting is hereby prohibited constitutes impounded water of the Meherrin River and real property resulting from the geologic process of accretion which is commonly known as the Emporia Water Reservoir.

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

(Amd. of 8-2-99)

Editor's note— An amendment of Aug. 2, 1999, did not specifically amend this Code; hence, inclusion of its provisions as § 20-4 herein was at the discretion of the editor.

Cross reference— Penalty for Class 3 misdemeanor, § 1-10.

State Law reference— Authority for above section, Code of Virginia, § 15.2-1210.

Sec. 34-217. - Use regulations.

In the A-1 district, any structure to be erected or land to be used shall be for one or more of the following uses:

- (1) Reservoir, preserve and watershed conservation areas.
- (2) Wildlife refuges, game preserves, sanctuaries and forest preserves.
- (3) General farming. Livestock, dairy and poultry operations.
- (4) Agriculture.
- (5) Single-family dwellings, including modular units.
- (6) Forestry operation, silvicultural and/or timbering.
- (7) Public parks, play fields, playgrounds, schools and outdoor recreational facilities owned and operated by the county.
- (8) Country general store.
- (9) Lodges, cabins, groups of cabins, camps, and travel trailers for seasonal occupancy, with a conditional use permit.
- (10) Hunting clubs, fishing clubs, yacht clubs and small boat docks (with repair) with a conditional use permit.
- (11) Intensive livestock, dairy, and poultry operations in accordance with section 34-225 and the other provisions of this division.
- (12) Home occupations conducted by the occupant.
- (13) Cemeteries and airports, with a conditional use permit.
- (14) Accessory uses/structures provided there is an existing primary use/structure already existing on the subject property. Garages, or other accessory structures, such as carports, porches and stoops, attached to the main building shall be considered part of the main building.
- (15) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewage installations.
- (16) Public telecommunication facilities approved by the state public telecommunication board with the exception of television, radio towers and other structures not necessary to house electronic apparatus public utilities and facilities regulated by the state corporation commission.
- (17) Private, utility generation, booster or relay stations, transformer substations, transmission lines and towers, television and radio towers and structures not necessary to house electronic apparatus, pipes, meters and other facilities for the provision and maintenance of public

utilities, including railroads and facilities, and water and sewage installations, with a conditional use permit.

- (18) Manufactured/mobile homes, single- and double-wide, designed for single-family residential use, on individual lots with permanent foundations approved by the building official. The open space beneath each manufactured/mobile home shall be skirted with an approved weather-resistant material within 90 days after occupancy of the unit.
- (19) Mass gathering, with a conditional use permit.
- (20) Tire storage, with a conditional use permit.
- (21) Sporting clays field and pistol range, with a conditional use permit.
- (22) Processing plant for agricultural and forestry products, with a conditional use permit.
- (23) Processing plant for fertilizer and chemicals for agricultural uses, with a conditional use permit.
- (24) Sawmills, with a conditional use permit.
- (25) Planing mills, with a conditional use permit.
- (26) Federal, state, and local government office buildings and their associated facilities.
- (27) Extraction of natural resources and storage of salt, sand and minerals, with a conditional use permit.
- (28) Sanitary landfill, with a conditional use permit.
- (29) Livestock market, with a conditional use permit.
- (30) Farm supplies, agricultural equipment sales and services, with a conditional use permit.
- (31) Commercial horse and pony farms, riding stables, horse show area and horse racing tracks, with a conditional use permit.
- (32) Towing/wrecker service with storage of inoperable and/or damaged vehicles allowed within fully enclosed structures such as warehouses, garages or similar buildings, with a conditional use permit.
- (33) Garage apartment accessory to a single-family dwelling on the same lot, with a conditional use permit and subject to the following:
 - a. The garage apartment shall not contain more than two rooms plus a kitchenette and bathroom.
 - b. The owner must reside in the single-family dwelling.
 - c. The garage apartment shall not be offered to the general public for rent and the use of the garage apartment shall be limited to either members of the principal owner's family or to domestic servants/caretakers employed by the owner.
 - d. A detached garage apartment shall contain 50 percent storage space.
 - e.

A detached garage apartment shall be located behind the single-family dwelling and shall meet the same minimum setbacks prescribed by the zoning district for a single-family dwelling.

f. A detached garage apartment shall not be taller than the single-family structure to which it is accessory.

g. No dwelling units other than the principal single-family dwelling and one such garage apartment shall be located on a lot, tract or parcel of land.

(34) Trucking operation, with a conditional use permit.

(35) Organics recycling facility, with a conditional use permit.

(36) Two-family dwelling, with a conditional use permit.

(37) Private kennels, accessory to a single-family residence, not for compensation to the owner/resident.

(38) Commercial kennels, with a conditional use permit.

(39) Wayside stand, roadside stand, farmers market.

(40) Commercial child/adult care centers, with a conditional use permit.

(41) Commercial greenhouses, with a conditional use permit.

(42) Volunteer fire or rescue squad.

(43) Retreat centers, with a conditional use permit.

(44) Churches and their associated facilities.

(45) Public schools.

(46) Private schools and training facilities, with a conditional use permit.

(47) Corporate training facility with overnight accommodations, with a conditional use permit.

(48) Golf driving range, miniature golf course, with a conditional use permit.

(49) Mobile home or travel trailer as a temporary use during the period of construction of a commercial, industrial or public structure or development, public facility or public utility. Travel trailers under no circumstances are to be permitted as permanent livable dwelling units.

(50) Animal hospital, animal boarding place, veterinary service, with a conditional use permit.

(51) Assembly hall, with a conditional use permit.

(52) Day camps and summer camps, outdoors, with a conditional use permit.

(53) Community center, with a conditional use permit.

(54) Bed and breakfast, with a conditional use permit.

(55) Mud bog, with a conditional use permit.

(56)

Group homes for up to eight mentally ill or disabled persons with staff are to be considered as occupancy by a single family. (Current illegal use of or addiction to a controlled substance is excluded from the definition of mental illness.)

(57) Materials recycling/sorting facility, with a conditional use permit.

(58) Asphalt plant facility, with a conditional use permit.

(59) Licensed farm distilleries, breweries and wineries per Code of Virginia, § 15.2-2288.3.

(Code 1991, § 16-22; Ord. of 11-18-1988, § 2-1; Ord. of 7-19-1990(2); Ord. of 2-21-1991; Res. of 4-4-1991; Ord. of 1-16-1995; Ord. of 3-6-1995; Ord. of 3-16-1995; Ord. of 4-16-1995; Ord. of 6-18-1998; Ord. No. 99-07; Ord. of 4-15-1999; Ord. No. 2000-01; Ord. No. 2002-01; Ord. No. 2005-02, 5-9-2005; Ord. No. 2005-04; Ord. No. 2009-03, 8-20-2009; Ord. of 8-18-2022, § 16-22)

ARTICLE III. - NOISE

Sec. 20-101. - Declaration of policy.

It is hereby declared to be the public policy of the county to promote an environment for its citizens free from noise that jeopardizes their health or welfare or degrades the quality of life.

(Ord. No. R-14-131, § 1, 6-19-2014)

Sec. 20-102. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Plainly audible means any sound that can be heard clearly by a person using his unaided hearing faculties.

Residential refers to single-unit, two-unit, and multiunit dwellings, and residential areas of planned residential zoning district classifications, as set out in chapter 34, the county zoning ordinance.

(Ord. No. R-14-131, § 2, 6-19-2014)

Sec. 20-103. - Loud noises prohibited.

The following acts, or the causing or permitting thereof, are declared to be unlawful loud noises, but this enumeration shall not be deemed to be exclusive:

- (1) *Generally*. The creation of any noise between the hours of 10:00 p.m. and 6:00 a.m.:
 - a. In such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person; or
 - b. In such a manner as to be plainly audible at a distance of 200 feet or more from its source.
- (2) *Radios, television sets, musical instruments, and similar devices*. Using, operating or permitting to be played, any radio, musical instrument, record, tape, compact disc player, loudspeaker or other machine or similar device for the producing or reproducing of sound between the hours of 10:00 p.m. and 6:00 a.m.:
 - a. In such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person; or
 - b. In such a manner as to be plainly audible at a distance of 50 feet or more from its source.

(3)

Horns, whistles, etc. The sounding or permitting the sounding of any horn, whistle or other auditory sounding device on or in any motor vehicle on any public right-of-way or public property, except when necessary as a warning of danger.

- (4) *Loudspeakers, public address systems and sound trucks.* The using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom for any purpose between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person.
- (5) *Explosives, fireworks and similar devices.* Using or firing any fireworks without a fireworks permit, explosives or similar devices which create impulsive sound between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to permit sound to be heard inside the confines of the dwelling unit, house or apartment of another person.
- (6) *Lawn care equipment.* Creating noise in residential areas between 10:00 p.m. and 6:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities, except for certain commercial activities set out section 20-104.
- (7) *Large party gatherings.* Allowing noise between the hours of 10:00 p.m. and 6:00 a.m. that is audible inside the confines of the dwelling unit, house or apartment of another person or at 50 or more feet from the source when the noise is generated from a gathering of ten or more people.
- (8) *Trash collection vehicles.* The collection of trash or refuse in residential use districts between the hours of 10:00 p.m. and 6:00 a.m. in such a manner as to be plainly audible at any residence 100 or more yards away.
- (9) *Vehicles.* Operating or using a motor vehicle or motorcycle in such a manner as to create a mechanical or exhaust noise that is plainly audible at a distance of 200 feet or more from the vehicle. Operating sound amplifying equipment in a motor vehicle at a volume sufficient to be plainly audible at a distance of 100 feet from the vehicle.
- (10) *Schools, public buildings, places of worship, and hospitals.* Creating any noise on the grounds of any school, court, public building, place of worship or hospital in a manner that is plainly audible within such school, court, public building, place of worship or hospital and interferes with the operation of the institution.

(Ord. No. R-14-131, § 3, 6-19-2014)

Sec. 20-104. - Exceptions.

The provisions of this article shall have no application to any sound generated by any of the following:

(1)

Sound which is necessary for the protection or preservation of property, including livestock and companion animals, or the health, safety, life or limb of any person.

- (2) Radios, sirens, horns, and bells on police, fire, or other emergency response vehicles.
- (3) Parades, permitted fireworks displays, school related activities, and other such public special events or public activities.
- (4) a. Hunting dogs.
 - b. Dogs responding to any person or animal on the property of the dog's owner or custodian, when such presence poses a real or perceived threat to the animal or to the occupants of the property.
- (5) Commercial forestry or timbering operation being conducted pursuant to a valid permit or license.
- (6) Commercial landscaping operations not being conducted in a residential subdivision.
- (7) Farming or agricultural operations.
- (8) Locomotives and other railroad equipment.
- (9) Aircraft.
- (10) The striking of clocks.
- (11) Church bells.
- (12) Noise generated in connection with business being performed on industrial property.
- (13) Noise generated by the operation or use of a sport shooting range if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range.

(Ord. No. R-14-131, § 4, 6-19-2014)

Sec. 20-105. - Noises authorized by permit.

The provisions of this article shall not apply to any noise that is otherwise specifically authorized by a valid special exception, conditional use, or other permit approved by the county.

(Ord. No. R-14-131, § 5, 6-19-2014)

Sec. 20-106. - Penalty for violation of article; civil penalties.

- (a) Any person violating any of the provisions of this article shall be deemed guilty of a civil violation and shall be subject to a fine not exceeding \$250.00 for the first offense and \$500.00 for each subsequent offense. Each day of violation of any provision of this article shall be a separate offense.

- (b) The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the noise source.

(Ord. No. R-14-131, § 6, 6-19-2014)

Sec. 20-107. - Enforcement.

This article shall be enforced by the county sheriff's office, which shall issue a written civil summons on a form approved by the court, to any person found to be in violation of the provisions contained in this article.

(Ord. No. R-14-131, § 7, 6-19-2014)

Sec. 20-108. - Private remedies not affected.

Nothing in this article precludes a citizen from bringing a private nuisance claim or any other similar action in court against any individual related to noise.

(Ord. No. R-14-131, § 8, 6-19-2014)

Sec. 6-9. - Restrictions on hunting and discharge of firearms.

- (a) For the purpose of this section, the terms "hunt" and "attempt to hunt" shall not include the necessary crossing of primary or secondary highways in the county for the bona fide purpose of going into or leaving a lawful hunting area.
- (b) It shall be unlawful for any person to discharge or shoot any firearm or other weapon for the purpose of hunting or attempting to hunt in, along, toward, or within 50 feet of any primary or secondary highway in the county.
- (c) It shall be unlawful for any person to discharge or shoot any firearm or other weapon for the purpose of hunting or attempting to hunt within 100 yards of any building occupied or used as a dwelling or place where the public gathers, to include school property. This section shall not apply to a person's own dwelling or residence or location where they have received written approval from the property owner.
- (d) Provided, however, that nothing herein shall prohibit the discharge of black powder firearms using blanks as part of historical re-enactments, historical living history programs and historical demonstrations.
- (e) Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

(Code 1988, § 3-7; Ord. No. O-09-08, 10-13-2009; Ord. No. O-11-31, § 1, 12-13-2011)

State Law reference— Hunting near highway, Code of Virginia, § 29.1-526.

Sec. 90-1031. - Turkey shoots.

Turkey shoots are permitted by special exception in the A-1 general agricultural and R-A residential agricultural districts, subject to the following conditions:

- (1) *Distance and direction of discharge from public road.* The point of discharge of firearms must be at least 300 feet from the right-of-way of a public road or private easement, and the direction of discharge of such firearms shall be in the opposite direction of such public road or private easement.
- (2) *Distance and direction of discharge from occupied dwelling or structure.* No firearm shall be discharged within 1,000 feet of an occupied dwelling, structure, or boundary of the applicant's property. This subsection may be waived with written permission from adjoining landowners, provided that the direction of discharge of such firearms shall be in the opposite direction of such occupied dwelling or structure.
- (3) *Rifles prohibited.* The use of rifles is prohibited.

(Code 1988, § 17-396)

Sec. 54-23.1. - Restricted noise during certain times of the day.

It shall be unlawful for any person:

- (a) To use, allow to use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner that it is plainly audible between 10:00 p.m. and 6:00 a.m. (i) inside the confines of a dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device. Such machines or devices are permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, and at parades, public functions or commemorative events.
- (b) To allow or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other device used to amplify sound which is located on residential property from 6:00 a.m. to 10:00 p.m. and which is plainly audible 50 feet or more from a public road, private road or the property line where the device is located. This provision shall not apply to community activities, weddings, public functions, or security devices.
- (c) To allow noise between the hours of 10:00 p.m. and 6:00 a.m. that is plainly audible either inside the confines of a dwelling unit, house or apartment of another person or at 50 or more feet when the noise is generated from a gathering of ten or more people.
- (d) To allow any animal or bird except farm animals between the hours of 10:00 p.m. and 6:00 a.m. to create noise such that it is plainly audible at least once a minute for ten consecutive minutes (i) inside the confines of a dwelling unit, house or apartment of another; or (ii) at 50 or more feet from the animal or bird.
- (e) To play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 50 feet or more from the vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.
- (f) To create plainly audible noise (i) inside the confines of a dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device between 10:00 p.m. and 6:00 a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (g) To create plainly audible noise (i) inside the confines of a dwelling unit, house or apartment of another person or (ii) at 50 or more feet from the device between 10:00 p.m. and 6:00 a.m. in connection with commercial lawn care, leaf removal, gardening, tree maintenance or removal and other commercial landscaping, lawn or timbering activities.

- (h) This section shall not apply to public safety activities, military activities and repairs to public or public service corporation infrastructure.
- (i) Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$250.00.

(Ord. No. O-11-14, § 2, 6-14-2011; Ord. No. O-11-25, § 1, 10-11-2011)

Sec. 74-208. - Discharging firearms generally.

Any person who shall shoot any gun or other firearm anywhere within the city limits, except when justifiable or excusable at law in the protection of life or property, shall be guilty of a class 1 misdemeanor. This section shall not apply to any person engaged in the repair of firearms who, in connection with such business, shall shoot such firearms, for the purpose of testing such firearms, at a place and under conditions specified in a permit obtained by such person from the chief of police. Upon the filing of an application for such a permit, the chief of police shall give the applicant ten days' notice of a hearing thereon and shall then proceed to investigate the character and reputation and the record of such applicant, the location of the place at which such testing is to be done and the suitability of the location from the standpoint of safety. At such hearing the applicant shall be given an opportunity to be heard on the matters required to be investigated and the chief of police shall grant or refuse the application on the basis of his finding relative to such matters. The chief of police may, in any case where such a permit has been granted, revoke the permit upon ten days' notice to the person holding such a permit of a hearing to be held thereon and, at such hearing, such person shall have an opportunity to be heard on the matters which are required to be investigated and the chief of police shall then revoke or continue the permit on the basis of his findings relative to such matters.

(Code 1981, § 39-8)

State Law reference— Authority of city to regulate or prohibit discharge of firearms, Code of Virginia, § 15.2-1113; discharging firearms in streets or other public places, Code of Virginia, §§ 18.2-280, 18.2-286.

Sec. 46-223. - Firearms not to be used for hunting on or near highways.

- (a) The hunting with a firearm of any game bird or game animal while the hunting is on or within 100 yards of any primary or secondary highway in the county is hereby prohibited.
- (b) For the purpose of this section, the term "hunt" shall not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting area.
- (c) Any person who violates this section shall be guilty of a class 3 misdemeanor.

(Code 1999, § 12-44; Ord. No. O-01-14, 1-13-2014)

State Law reference— Authority for above section, Code of Virginia, § 29.1-526.

Sec. 46-226. - Turkey shoots; operation.

- (a) It shall be unlawful for any person to conduct a turkey shoot or any shooting match or similar activity involving the discharge of firearms at a target or targets with the object of such activity to determine a winner of a prize, such as a turkey or pork ham or other food stuff or other prize, unless the following conditions are met:
 - (1) No firearm used in such event shall be discharged within 150 feet of any public or semipublic road or highway.
 - (2) No such event shall be conducted after 10:00 p.m. and before 9:00 a.m. of the following day, except that on Friday and Saturday nights, events may continue until 11:00 p.m.
 - (3) No such event shall be conducted within any residential subdivision, as defined by chapter 90.
- (b) Any person who violates this section shall be guilty of a class 2 misdemeanor.

(Code 1999, § 12-41)

Sec. 46-124. - Unnecessary or excessive noise.

- (a) *Prohibited generally.* It shall be unlawful for any person to make, or to cause or allow to be made, upon any property in the county any unnecessary, unreasonable or excessive noise or sound, whether vocally, mechanically, electronically or otherwise, of such a character, volume, duration or frequency as to disturb, injure or endanger the quiet, comfort, repose, health, peace or safety of any other person.
- (b) *Specific prohibited acts.* The following acts are specifically declared to be in violation of this section, but such enumeration shall not be deemed to be exclusive:
- (1) *Horns; signaling devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the county, except as a danger warning; the creation by means of any signaling device of any unreasonable, loud or harsh sound; and the sounding of any signaling device for an unnecessary or unreasonable period of time.
 - (2) *Radios, phonographs and instruments for producing or reproducing sound generally.* Using, operating or permitting to be played, used or operated any radio receiving set, tape recorder, musical instrument, phonograph or other electronic or other machine or device for the producing or reproducing of sound in such a manner or of such volume as to disturb, injure or endanger the quiet, comfort, repose, health, peace or safety of any other person who is not within the confines of the room, vehicle or property in which such machine or device is operated and who is not a willing listener thereto. The operation of any such device in such a manner that the resultant noise or sound is audible at a distance of at least 50 feet from the building, structure, property or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 - (3) *Production of sound from radios, phonographs, and similar sound producing or reproducing instruments on streets.* The using, operating or permitting the playing, using or operating of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other electronic or other machine or device for the producing or reproducing of sound upon the public streets or parking lots, unless the resultant noise or sound shall be not clearly audible a greater distance than 50 feet distant from the vehicle or other enclosure in which it is contained or at least 50 feet from the source if not contained within any vehicle or other enclosure.
 - (4) *Animals.* The keeping of any animal which shall be the source of any noise or sound of such a character, volume, duration or frequency as to disturb, injure or endanger the quiet, comfort, repose, health, peace or safety of any other person.
 - (5)

Exhaust discharges. The discharge into open air of the exhaust of any steam or diesel engine, stationary internal combustion engine, chain saw, power mower, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent any noise or sound of a character, volume, duration or frequency which disturbs, injures or endangers the quiet, comfort, repose, health, peace or safety of any other person.

- (6) *Defects in vehicle.* The use of any automobile, motorcycle or other vehicle so out of repair or loaded in such a manner as to create loud and unnecessary or unreasonable grating, grinding, rattling or other noise or sound of a character, volume, duration or frequency which disturbs, injures or endangers the quiet, comfort, repose, health, peace or safety of any other person.
- (7) *Shouting by peddlers, hawkers and vendors.* The shouting and crying of peddlers, hawkers and vendors of a character, volume, duration or frequency which disturbs, injures or endangers the quiet, comfort, repose, health, peace or safety of any other person.
- (8) *Noise to attract attention to performances, shows or sales.* The use of any drums or other musical instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (c) *Application of section provisions.* This section shall apply only with respect to sound emissions originating in zoning districts in which residential use is permitted, whether or not exclusively, under the provisions of chapter 98, and, notwithstanding any provision of this section to the contrary, shall have no application to fire, rescue, police, ambulance or other emergency vehicles or aircraft or to any noise or sound created thereby or to any noise or sound created by any person to sound a warning or call attention to a bona fide emergency. This section shall not apply to noise or sound which customarily accompanies bona fide parades, sporting events, public functions or public commemorative events nor to noise or sound which customarily accompanies activities of churches and synagogues, nor to activities conducted in any gymnasium, arena, theater, amphitheater, swimming pool, stadium, rifle range, gun club or any similar sporting facility, whether any such activity occurs indoors or outdoors, except to the extent that any such parade, function, event or activity shall be prohibited or limited, either expressly or by necessary implication, by the terms or conditions of any required use permit issued in connection therewith, or to the extent that such parade, function, event or activity shall be conducted without a use permit when such permit is required by the terms of chapter 98.
- (d) *Penalty for violation.* Any person violating any of the provisions of this section shall be deemed guilty of a class 4 misdemeanor and, upon any subsequent conviction within a period of 12 months, shall be guilty of a class 3 misdemeanor.

(Code 1999, § 6A-13)

Sec. 98-873. - Specific conditions applicable to public, semi-public, institutional, educational and recreational uses and facilities.

(a) *Standards for all public, semi-public, institutional, educational, and recreational uses and facilities.*

- (1) A site plan is required for all new construction or expansion of public semi-public, institutional, educational, and recreational uses and facilities unless specified otherwise in the specific performance standards below.
- (2) All off-street parking and loading spaces for public, semi-public, institutional, educational, and recreational uses and facilities shall be located not less than 35 feet from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping supplemented, as necessary, by appropriate fencing materials.
- (3) Unless found to be unnecessary and waived in writing by the zoning administrator at the time of application, a traffic safety analysis shall be submitted with all applications for public, semi-public, institutional, educational, and recreational uses and facilities uses. The analysis shall find that such a facility will have no demonstrable safety hazards at the site entrance(s) or it shall determine what improvements are necessary to making such a finding.
- (4) Outdoor lighting shall be energy efficient with an Energy Star or comparable rating. Outdoor lighting shall also be sufficient to protect public safety and shall comply with the standards of the Crime Prevention through Environmental Design Guidelines produced by the Virginia Crime Prevention Association and dated December 2004; however, no outdoor lighting fixture shall be installed, aimed, or directed to produce light or glare that spills over into neighboring properties or the public right-of-way that exceeds 0.5 foot candles within two feet of the property line of the light source. All site lighting fixtures shall be mounted a maximum of 25 feet above ground, shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky. All site lighting fixture styles and illumination levels shall be compatible with the architecture of the principal building on the site.
- (5) Outdoor components of such uses, where located adjacent to residentially classified property, shall be setback at least 50 feet from any residential property line and shall not be routinely operated after 11:00 p.m. or before 6:00 a.m.
- (6) Indoor facilities located less than 25 feet from the property line of any residentially classified property and routinely operated after 11:00 p.m. or before 6:00 a.m. shall incorporate sound baffles into the building design to prevent audible noise on adjacent residential property.
- (7)

Provisions shall be made to adequately accommodate both bicycle and pedestrian access and circulation including the provision of bicycle parking unless the zoning administrator determines such provision is unnecessary by reason of the location, hours of operation, or market orientation.

- (8) Outdoor speaker or paging systems shall be directed away from property lines and shall not unreasonably interfere with use and occupancy of adjacent residential properties.
- (9) All dumpster pads, loading areas and outdoor storage areas shall be screened from view of all public streets or residential properties by landscaping supplemented by masonry or wooden fencing. Illumination of dumpster pads and the area between dumpsters and the service doors of facilities that utilize the dumpsters for trash disposal shall be provided in accordance with the standards of the crime prevention through environmental design guidelines for any facility having working hours between dusk and dawn.
- (10) All public, semi-public, institutional, educational, and recreational uses and facilities shall be operated and maintained in a neat and orderly manner, free from junk, inoperable equipment, trash, or debris. Trash and garbage shall be disposed of properly in appropriate containers and removed at least weekly from the site in an approved manner. Buildings shall be maintained in a sound condition, in good repair and appearance. Weeds shall be cut as frequently as necessary to maintain a neat and orderly appearance. Weeds and grass shall be cut at least four times a year.

(b) *Standards for animal shelters.*

- (1) All animals in animal shelters shall be kept in pens or other enclosures designed and maintained for secure confinement.
- (2) Animal shelters shall be certified by the Virginia Department of Agriculture and Consumer Services as complying with all state animal welfare laws and regulations.

(c) *Standards for archery, firearms, air gun and paintball ranges*

(1) *Standards for all ranges*

- a. A written list of the current range rules shall be prominently posted throughout the facility and filed with the department of community development. The operator of the range will require that each new user sign and date a copy of the range rules, stating that the user agrees to abide by such rules.
- b. A safety plan, meeting at the minimum the safety standards set forth in the National Rifle Association (NRA) Range Source Book, or its equivalent, shall be created for any range operation. Said plan shall be submitted for review to the sheriff and fire chief (or the director of public safety if appointed). Amendments to safety plans shall be reviewed prior to implementation. The safety plan shall address such items as the required certification

of instructors and range masters, supervision of patrons, type of targets and methods of use, use of protective eyewear and equipment, and other similar operational requirements.

- c. Typical safety equipment for the type of shooting practiced at the range facility shall be required to be worn by all participants or spectators when in the vicinity of a shooting range. Signage shall be posted and shall conform to OSHA safety signage regulations.
- d. Being under the influence of alcohol, illegal drugs, prescription drugs, and over-the-counter drugs which impair judgment or motor control on range property is prohibited.
- e. Alcoholic beverages are prohibited on range property during range operations.
- f. The decibel limit at the property line of the range facility shall coincide with the appropriate standards set forth in the NRA Range Source Book.
- g. The range facility operator shall report in writing to the sheriff all known on-site and off-site projectile wounds and off-site property damage resulting from activity at the range facility and any measures that are proposed to address any deficiencies that may have contributed to the wounds or damages. The report shall be made within 24 hours after the existence of the projectile wound or damages become known to the operator.
- h. All shooting stations will be designed so they are directed away from all existing residential uses and residentially-zoned properties and all shooting of projectiles will occur only in a direction away from such existing uses and properties.
- i. In the construction of new safety features at existing ranges, county zoning, environmental, and building fees will be waived by the county provided a written request is presented to, and approved by, the zoning administrator prior to construction.
- j. For outdoor ranges, warning signs shall be posted at 100-foot intervals along the entire perimeter. Each sign shall include warning language along with a visual warning icon and shall comply with OSHA's danger and warning sign requirements.
- k. Any indoor shooting range shall be designed to contain all projectiles fired.
- l. All other state and federal safety regulations shall be followed.
- m. Hours of operation for outdoor ranges shall not begin before 7:00 a.m. or sunrise, whichever is later, and shall end no later than 7:00 p.m. or sunset, whichever is earlier, or such fewer hours as may specified by the issuance of a conditional use permit.
- n. Copies of all current certificates of insurance shall be provided annually to the county.

(2) Standards for archery ranges

- a. An adequate barrier must be installed in all archery ranges so as to prevent the escape of arrows. Overhead baffles must also be in place to prevent the escape of arrows. All containment structures must be in accordance with the standards set forth in the NRA Range Source Book.

(3) *Standards for shotgun, pistol, rifle and air gun ranges*

a. *Outdoor ranges.*

1. Discharge of firearms outdoors during Sunday hours shall not be permitted unless specifically authorized by the issuance of a conditional use permit.
2. A three-sided earthen berm or other similar structure providing at least the equivalent safety must surround all firearms ranges so as to prevent the escape of projectiles. Overhead baffles must also be in place to prevent the escape of projectiles. All containment structures must be in accordance with the standards set forth in the NRA Range Source Book.
3. Noise abatement barriers equal to or better than the NRA guidelines set forth in the NRA Range Source Book shall be utilized and shall appear on the site plan.
4. When any part of an outdoor range encompasses water, wetland and Chesapeake Bay Resource Protection Areas, no lead bullets or shot shall be used. If steel shot is required, shot no larger than number six shall be allowed. If the state approves an alternative to steel shot, it shall be allowed, but shot shall be no larger than number six.
5. Ranges for shotgun slugs, rifles, and pistols must install a rubber membrane or similar catching device shall be installed to prevent lead runoff.
6. Spent bullets, bullet waste, and slugs shall be retrieved from outdoor ranges at least once a year.

b. *Indoor ranges.*

1. A ventilation system that complies with the OSHA standards for lead dust dissipation shall be installed and annually inspected.
2. Regular cleaning of the facility shall be performed so as to minimize the impact of lead dust.
3. Other lead monitoring and control actions shall be performed as stated in the NRA Range Source Book.

(4) *Standards for combat-style firearm ranges.*

- a. All combat-style firearm ranges shall require a range master to be present at all times of operation.
- b. All combat-style firearm ranges shall be cold ranges.
- c. All combat-style firearm ranges shall be designed to contain all bullets fired within the property.
- d. The applicable standards for outdoor or indoor shotgun, pistol, rifle, and air gun ranges apply to combat-style firearm ranges.

(5) *Standards for skeet, trapshooting and sporting clays ranges*

- a. Discharge of firearms outdoors during Sunday hours shall not be permitted unless specifically authorized by the issuance of a conditional use permit.
- b. Skeet, trapshooting, and sporting clay ranges shall be so designed and constructed that the distance to any adjacent property measured from the firing point or points in the direction of fire shall be not less than 300 yards.
- c. Noise abatement barriers equal to or better than the NRA guidelines set forth in the NRA Range Source Book shall be utilized and shall appear on the site plan.
- d. Guns other than shotguns are not allowed.
- e. Only 7½ lead shot or smaller shall be allowed.
- f. Spent casings shall be retrieved from outdoor ranges at least once a week.
- g. When any part of an outdoor range encompasses water, wetland and Chesapeake Bay Resource Protection Areas, no lead bullets or shot shall be used. If steel shot is required, shot no larger than number six shall be allowed. If the state approves an alternative to steel shot, it shall be allowed, but shot shall be no larger than number six.

(6) *Standards for paintball gun ranges.*

- a. For all paintball ranges (including combat-style paintball ranges), a net or similar structure shall be in place to prevent the escape of projectiles from the firing area. As an alternative, a minimum of 100 yards shall exist as a buffer between the live fire boundary and the property line.
- b. Abandoned propellant canisters shall be regularly retrieved.

(d) *Standards for campgrounds and campsites.*

- (1) The minimum acreage for a campground shall be 20 acres.
- (2) No structure, campsite, parking area or any other temporary or permanent improvement shall be located closer than 100 feet to any residentially classified property line.
- (3) No county-issued permit shall be granted until the applicant has furnished evidence that the proposed development meets all applicable state and local health requirements. All required permits shall be maintained for continued operation of the campground.
- (4) The campground shall be served by a 50-foot-wide right-of-way developed to the public or private road standards found in the subdivision ordinance and maintained in a passable condition by emergency vehicles in all weather conditions.
- (5) The gross density of the campground shall not exceed eight camping sites per acre. Each campsite shall be a minimum of 40 feet in width and 3,600 square feet in area.

(6)

Sec. 98-745. - Specific use conditions.

- (a) Restrictions on any conditional use including those for which specific provision is made in this chapter may include, but need not be limited to, the following:
 - (1) Hours of operation.
 - (2) Access to and from the subject property.
 - (3) Protection of surface water and groundwater.
 - (4) Lighting of the site, including the intensity and shielding so as to not adversely affect adjacent or nearby property owners.
 - (5) Adequate sewer and water supply.
 - (6) Sound limitations as needed to ensure peaceful enjoyment of neighboring property.
 - (7) Location, size, height, design of buildings, walls, fences, landscaping and buffer yards.
 - (8) Covenants and/or homeowners associations for maintenance of applicable restrictions.
 - (9) Timing or phasing of development.
 - (10) Type and placement of utilities, including underground placements.
 - (11) Controls for smoke, dust and odors.
 - (12) Requirements for performance guarantees ensuring that all conditions are met and plans are implemented.
 - (13) Any other conditions deemed necessary to protect the health, safety and general welfare of the public.
- (b) The following conditional uses in addition to any other conditions or restrictions that may be imposed shall comply with the specific requirements set forth in this section. In addition to the following specific conditions, the planning commission may recommend, and the board of supervisors may adopt, any additional conditions or modifications to the enumerated conditions it deems necessary to ensure the compatibility of conditional uses with surrounding uses, promote the county comprehensive plan, and protect the health, safety and general welfare of the public.
 - (1) *Airports and helipads.*
 - a. All airports and helipads shall be designed in accordance with Federal Aviation Administration rules and regulations.
 - b. All approvals must be obtained from the board of supervisors.
 - (2) *Antique shops in A-1 zones.*
 - a. There shall be no outdoor display or storage of goods or merchandise.
 - b.

- d. Only those mobile homes built since June 15, 1976, and constructed in accordance with regulations promulgated by the Department of Housing and Urban Development under the Federal Manufactured Housing Construction and Safety Standards Act and bearing the appropriate seals and labels to certify compliance are permitted. The mobile home must be skirted with a fire-resistant material approved by the code official.
- e. A drawing showing the proposed location of the mobile home, including distances from all property lines and the septic tank and drainfield, shall be submitted by the applicant and must be approved by the zoning administrator. The zoning administrator may require changes in the drawing which would make the location of the mobile home more harmonious with the neighborhood.

(11) *Pistol ranges.*

- a. A site plan per article XXII of this chapter, site plans, will be required. This site plan must meet, at a minimum, the requirements found in the National Rifle Association Range Manual for the type of pistol range proposed. A three-sided earth berm will surround the range.
- b. All shooting stations will be designed so they are away from existing residential uses and firearms will be discharged only in a direction away from these existing uses.
- c. Noise abatement barriers equal to the NRA Standard and Guidelines set forth in the NRA Range Manual shall be utilized and shall appear on the site plan.
- d. Direct fire zones extending a minimum of 3,000 yards shall be maintained directly down range. This distance may be reduced only in a manner that meets or exceeds the standards set forth in the NRA Range Manual.
- e. Hours of operation shall be Monday through Saturday from sunrise to sunset or as approved by the board of supervisors. Sunday hours shall be set on a case-by-case basis by the board of supervisors.
- f. A written list of the current range rules shall be created and filed in the department of planning.
- g. A safety plan, meeting at the minimum the safety standards set forth in the NRA Range Manual, shall be created for the pistol range's operation, and it shall be filed in the department of planning.
- h. The current range rules shall be posted in a conspicuous place. The operator of the range will require that each new user sign and date a copy of the range rules, stating that the user agrees to abide by such rules.
- i. Existing religious facilities shall be taken in consideration during site plan review.
- j.

All instructors shall be certified by the National Rifle Association, and a copy of their certification shall be kept on file in the department of planning. continued

- k. A NRA certified instructor shall be present on-site during all hours of operation.
 - l. Conditional use permits will be subject to an annual review by the board of supervisors or its agent to ensure compliance with the provisions of this chapter.
 - m. If the use is abandoned for a period of 12 consecutive months, the conditional use permit shall lapse, and all spent bullets shall be retrieved from the range.
 - n. No automatic weapons may be discharged on the range.
 - o. No combat-type ranges shall be permitted.
- (12) *Radio, television or communication stations and/or towers which exceed 50 feet in height in the conservation and agricultural zoning districts.*
- a. A buffer of evergreen screening (trees or hedging) shall be provided around the entire facility with the exception of any associated office building. A section of fence at least six feet in height shall be provided completely around the base of the tower and any associated equipment.
 - b. A site plan of the proposed facility must be submitted to and approved by the zoning administrator. As part of the site plan submittal, the applicant must provide the county with detailed information regarding the proposed facility's location, latitude and longitude, and service area.
 - c. The facility shall not interfere with the radio, television or communications reception of nearby property owners in residence at the time of construction. The applicant shall take steps to successfully eliminate any such interference.
 - d. All communication towers and other structures shall meet all safety requirements of all applicable building codes.
 - e. A communication tower structure shall be set back from any property line a distance equal to 120 percent of the tower height. This set back shall not be required when such tower location is abutting or within the VDOT right-of-way of an interstate highway.
 - f. A tower structure shall not be located within 750 feet of an existing residential structure unless the board finds that (1) topographical or similar physical conditions existing on the property make such a set back an undue hardship and (2) the reduction in the set back will not adversely impact the peaceful enjoyment and use of the residential structure by its occupants. Any such reduction in the distance permitted by the board shall not result in a tower structure being erected at a distance nearer than 125 percent of the tower height to any dwelling unit and shall be buffered from view from that dwelling unit.

Prior to the issuance of the conditional use permit by the zoning administrator, the applicant shall have secured all necessary health approvals related to the provision of water and the disposal of sewage.

- c. Each separate dwelling unit shall be provided with a private bathroom and kitchen.
- d. The minimum habitable floor area for each separate unit shall be as follows:
 - 1. Efficiency or studio: 450 square feet;
 - 2. One bedroom unit: 650 square feet;
 - 3. Two bedroom unit: 750 square feet;
 - 4. An additional 150 square feet shall be provided for each additional bedroom.
- e. Each dwelling unit shall be independent with safe means of ingress and egress, provided also that no change in the exterior of the original dwelling shall be permitted to afford such ingress and egress except for a small porch not exceeding five feet in width.
- f. No dwelling unit shall be permitted above the second floor or in the cellar of any building. All dwelling units located in the basement of any building shall meet all county codes concerning the use of windows and doors for ingress and egress.
- g. The ground area of the original dwelling shall not be enlarged more than 25 percent of the original ground area, and the number of stories shall not be increased for the purpose of or in connection with the conversion of such structure into a second dwelling unit, except areas between projections of parts of the original dwelling may be incorporated into the building where reasonably necessary for the execution of a proper and otherwise approved plan for the conversion of the dwelling into two or more dwelling units.
- h. There shall be no outside alterations or changes which will in any way modify or change the single-family character or appearance of the original structure.
- i. A minimum of two off-street parking spaces shall be provided.
- j. One dwelling unit of a converted single-family dwelling must always be occupied by the owner of record.
- k. All rooms within a dwelling unit shall be accessible within the limits of the dwelling unit.



(16) *Sporting clays.*

- a. The conditional use permit may, at the discretion of the board of supervisors, return to the planning commission for review and approval.
- b. A site plan per article XXII of this chapter, site plans, will be required. The site plan may, at the discretion of the board of supervisors, return to the planning commission for review and approval.
- c. All shooting stations will be designed so they are away from existing residential uses and firearms will be discharged in a direction away from these existing uses with established safety standards.

- d. Noise abatement barriers equal to the NRA Standards and Guidelines set forth in the range manual shall be utilized and shall appear on the site plan.
- e. Lead shot size is limited to a maximum of 7 1/2, and shotguns no larger than 12 gauge shall be allowed. When wetlands areas are involved steel shot shall be used. If steel shot is of required usage, shot no larger than number six shall be allowed. If the state approves an alternative to steel shot, it shall be allowed.
- f. Hand traps may be used, provided that throwing positions are designed to protect the trap operator.
- g. Clay targets must be thrown only from designated positions and only in directions or elevations required by design specifications.
- h. A shotfall safety area of 300 yards in the direction of fire will be required at each station. Each field layout will require a different shotfall design.
- i. Hours of operation shall be Monday through Saturday from sunrise to sunset or as approved by the board of supervisors. Sunday hours shall be set on a case-by-case basis by the board of supervisors.
- j. A written list of range rules shall be created and filed in the department of planning.
- k. A safety plan shall be created for the sporting clays' operation, and it shall be filed in the department of planning.
- l. The range rules shall be posted in a conspicuous place and these rules shall be reviewed by any user of the range.
- m. Existing religious facilities shall be taken into consideration during site plan review.
- n. A minimum of 100 acres shall be required for sporting clays.

(17) *Steeplechase.*

- a. A site plan per article XXII of this chapter, site plans, will be required.
- b. Traffic plan approved by sheriff's department and department of public safety.
- c. Health department approval of regulations governing food service, toilet facilities, sewage disposal facilities and water supply facilities.
- d. Fire protection and medical facilities plan approval by the department of public safety and sheriff's department.
- e. Steeplechase tracks to be located on no less than 200 acres.
- f. Parking plan approved by the planning department, the department of public safety and sheriff's department.
- g. Sheriff's department and department of public safety shall be notified 90 days in advance of the event.

The keeping of horses shall be solely for the recreational purposes of the family living on the premises. The commercial boarding of horses which are not owned by the resident family shall be prohibited.

- b. The minimum area of any parcel used for the keeping or raising of horses shall be three acres for the first horse. One additional horse may be kept or raised for each additional two acres.
- c. A stable must be provided for the housing of all horses. Any stable or structure used for the keeping of such animals shall be located not less than 75 feet from any property line nor less than 20 feet from the principal structure on the property.
- d. All pastures, runs, or similar areas for the keeping or raising of horses shall be surrounded by fencing which does not block site triangle easements at intersections.
- e. Horses shall not be stabled, pastured, or otherwise kept within 1,000 feet of a drinking water reservoir unless it can be proven to the satisfaction of the health department and the zoning administrator that any runoff will be away from the reservoir and that public health will not be negatively impacted. In such cases, a 200-foot buffer must be maintained. This shall not be interpreted to preclude the riding of horses or establishment of bridle trails closer than the specified distance provided that the health department and owner of the reservoir approve.
- f. Manure or animal wastes shall not be stored, stockpiled, or permitted to accumulate within a designated Chesapeake Bay Resource Protection Area.
- g. Manure or animal wastes shall not be stored, stockpiled, or permitted to accumulate in any manner that diminishes the rights of adjacent property owners to enjoy reasonable use of their property.
- h. The keeping of horses shall not be excluded by the restrictive covenants and deed restrictions applicable to the property.



(20) *Turkey shoots.*

- a. Only turkey shoots conducted as fund raisers by nonprofit organizations will be permitted.
- b. The parcel on which the shoot is conducted shall have a minimum width of 300 feet and a minimum depth of 600 feet.
- c. The shoot shall be positioned so that the line of fire is directly away from any public or private road or right-of-way and shall not be directed towards any residence or any other structure.
- d. No firearms shall be discharged within 200 feet of any public or private street or right-of-way.
- e.

No firearms shall be discharged within 500 feet of any unrelated commercial building or residential dwelling. (continued)

- f. The hours of operation shall be restricted to the hours between 9:00 a.m. and 10:00 p.m., except on Friday and Saturday when the operation until 11:00 p.m. is permissible.
- g. The discharge of firearms shall be limited to: shotguns and muzzle loading shotguns. Any discharge of a rifle of caliber greater than 0.22 is prohibited for these events.
- h. Conditional use permits will be subject to annual review by the board of supervisors or their agent to ensure compliance with the ordinance.

(21) *Zoological gardens.*

- a. The garden is to be fenced with a heavy duty, chainlink, perimeter fencing ten feet high.
- b. Individual cages will be prepared for each species of animal.
- c. The facility will be operated in accordance with federal, state and SPCA guidelines.
- d. Paved state-maintained roads will be provided for the site and all interior roads dedicated for purpose of vehicular access will be built to standards for state-maintained paved roads.
- e. All health department requirements for animal facilities and public facilities must be met.
- f. Site plan must be approved by the planning commission and board of supervisors.
- g. The garden may not be closer than 1,000 feet to any adjacent residence.
- h. The garden may not be closer than one mile from any residentially zoned property.
- i. The garden may not be closer than two miles from any school or hospital.

(Code 1999, § 9-245; Ord. No. O-14-98, 4-12-1999; Ord. No. O-3-02, 1-14-2002; Ord. No. O-15-02R, 5-23-2002; Ord. No. O-01-03(R2), 3-10-2003; Ord. No. O-33-05R, 12-19-2005; Ord. No. O-18-07, 7-23-07; Ord. No. O-15-08(R2), 1-12-2009)

Sec. 83-177. - Permitted uses.

Land, buildings and structures in the RR District shall be used only for the following purposes:

- (1) Agricultural uses and all buildings necessary to such use and the keeping, storage, or operation of any vehicle or machinery necessary to such use;
- (2) Detached single-family dwellings;
- (3) Churches and places of worship, including parish houses and Sunday Schools;
- (4) Forestry;
- (5) Timber harvesting which may include sawmill(s) used only for cutting timber harvest on site;
- (6) Dairying, and raising and breeding of livestock, poultry and other animals;
- (7) Greenhouses;
- (8) Livery stable or riding academy;
- (9) Public schools, libraries, administration buildings, and public utility facilities excluding wastewater treatment plants;
- (10) Recreation facility, public;
- (11) Bed and Breakfast homes;
- (12) Adult or juvenile jails, detention facilities, or correctional facilities operated or owned by local or regional governmental entities, and located within or surrounded by existing state correction facilities;
- (13) Limited commercial landscaping contractor;
-  (14) Shooting or archery ranges permitted by property owner for benefit of non-profit, non-commercial or community service organizations, provided that the owner participates in the operation of the range. Such range shall be located on a parcel not less than 30 acres. Adjoining parcels may be treated as combined to satisfy the 30 acre requirement, provided all other requirements of this subsection are satisfied. No part of such use shall be located any closer than 300 feet to the public road right-of-way, or 300 feet from any other property boundary. Use of the range shall not be open to the general public. The range shall operate only during daylight, and not before 10:00 a.m. No automatic weapons shall be used. Only weapons of recreational or instructional caliber shall be used;
- (15) Accessory buildings, uses, or structures;
- (16) Winery;
- (17) Farm winery;
- (18) Public utilities to serve the residences of this district;
- (19) Model home;
- (20)

Gardening for flowers, vegetables and fruits, as it is customarily practiced in residential areas;

(21) Private garages;

(22) Storage sheds for lawn and garden tools;

(23) Accessory apartment;

(24) Home occupation;

(25) Family day care home.

(26) Accessory dwelling unit (detached), up to 50 percent of the square footage of the main dwelling.

(Ord. of 5-23-85; Ord. of 6-2-14; Ord. No. O-2024-21, § 1, 9-23-24)

Sec. 42-32. - Loud noises prohibited.

It shall be unlawful for any person to create, cause to be created or allow on property under the person's control or ownership any of the following:

- (a) Sound produced or reproduced by any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier, or any other machine or device or human voice in such a manner or with such volume or duration that it is plainly audible between 11:00 p.m. and 7:00 a.m. (i) inside the confines of a dwelling unit, house or apartment of another person or inside a business or place of worship, or (ii) at 150 or more feet from the sound source.
- (b) Noise created by any dog that is so continuous and chronic that it causes annoyance or discomfort to any person, provided that such noise is plainly audible inside the confines of the dwelling unit, house or apartment of another, or plainly audible 300 feet or more from the dog.

No person shall be convicted of a violation of this subsection (b) unless there shall have been before the court competent evidence that the complainant or a law enforcement official or other code enforcement officer had, prior to the issuance of any summons or warrant, requested the abatement of the noise complained of, and that such noise continued at an unlawful level after such request.

- (c) Sound produced by any motorbike, motorcycle, ATV, or by any other machine or device, in such a manner or with such volume or duration that it is plainly audible at a distance of 150 feet or more from the sound source or inside the confines of a dwelling unit, house or apartment of another person, or plainly audible within a business or place of worship.
- (d) Plainly audible noise in residential subdivisions between 10:00 p.m. and 5:00 a.m. in connection with the loading or unloading of refuse, waste or recycling collection vehicles.
- (e) Plainly audible noise in residential subdivisions between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities.
- (f) This section shall not apply to sounds created by devices permitted to be used at public parks or public recreation fields, or created by public sporting events or school sponsored activities on school property, or duly authorized public parades, public functions or commemorative events. Further, this section shall not apply to sirens, loud speakers or emergency communication radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

(g)

§ This section shall not apply to any firearm discharges, except those occurring at non-sport shooting ranges, firing ranges or firearms training facilities not in operation at the time of adoption of this amendment. In the event of a conflict between this section and Code of Virginia, § 15.2-917, as amended, the state code provisions shall prevail.

(h) Violations of this section shall constitute a class 3 misdemeanor.

(i) For purposes of this section, tenants shall be deemed to be in control of the property contained within their tenancy.

(Ord. of 1-11-10, § 1; Ord. of 6-14-10(1), § 1; Ord. No. O-2016-53, 12-19-16)



G. Short-term rental, hosted and unhosted; bed and breakfast

Goachland County, VA
from Section 15-285

A short-term rental, unhosted, requires a conditional use permit. Short term rental, hosted, and bed and breakfast uses must meet the following conditions:

- (1) *Registration.* Before advertising or operating use, the dwelling must be registered by providing the name, address, and phone numbers of property owner(s) and any designee(s). The registration must be updated annually before January 1. There is no registration fee.
- (2) The following are exempt from the registration requirements:
 - a. Salespersons and brokers licensed by the real estate board.
 - b. Properties registered under the Virginia Real Estate Time-Share Act.
 - c. Tourist establishments regulated by the state department of health for lodging.
- (3) *Owner-occupied dwelling.* Dwelling must be owner's primary residence. Owner or designee is required to stay overnight at dwelling and, during the day, be able to return to dwelling within 60 minutes during all transient occupancy. Owner or designee must be available 24 hours a day, seven days a week, to respond to and resolve issues and complaints that may arise during transient occupancy. Designee must be at least 21 years old.
- (4) *Principal dwelling.* Transient lodging must occur within principal dwelling.
- (5) *Maximum occupancy.* Occupancy is limited to the maximum number of residents allowed by the septic system permit; however, in no circumstance can occupancy exceed 10 people, including both permanent residents and transient renters.
- (6) *Residential appearance.* Property must maintain a residential appearance.
- (7) *Smoke alarms; carbon monoxide detector.* There must be at least one carbon monoxide monitor installed and maintained in good working order. Smoke alarms must be installed and maintained in at least one common area and in each room providing transient lodging.
- (8) *Outdoor music.* No outdoor music, amplified or acoustic, after 11:00 p.m.
- (9) *Hunting; firearms.* Renters cannot hunt or discharge firearms on the property.
- (10) *Violations.* Property may not be advertised or operated as a short-term rental or bed and breakfast if violations of any applicable state and local laws, ordinances, or regulations relating to short-term rentals or bed and breakfasts have occurred on more than three occasions.
- (11) If the above standards cannot be met in those zoning districts that allow short-term rental or bed and breakfast uses, it may be allowed through a conditional use permit.

H. Tiny house

- (1) *Permits.* Building, well, and septic permits are required.
- (2)

Sec. 10-43. - Noise nuisance violation.

- A. *Noise nuisance.* It is a violation of this article for any person to intentionally or unintentionally make repetitive noise, or allow the making of repetitive noise, except the noises exempted below, on residential property that, by reason of its volume, pitch, duration, repetition, and time of day, unreasonably and substantially disturbs or interferes with someone else's peaceful enjoyment of residential property they own, rent, or occupy.
- B. *Persons responsible.* Any person who controls the noise source can be held responsible for a violation, but if that person cannot be reasonably ascertained, then any owner, tenant, resident or occupant who is physically present on the residential property during the nuisance noise, and to whom the required warning has been provided can be held responsible.
- C. *Warning.* No person shall be found in violation of this article unless there has been presented before the court competent evidence that the complainant or a law enforcement official had, prior to the issuance of any summons or warrant, requested the abatement of the nuisance complained of, and that such nuisance continued after the request for abatement. Written notice of the violation must be sent, certified mail, return receipt requested, to the property from which the noise nuisance emanated and, if a different address is listed for the property owner on the county's geographic information system (GIS), also to the property owner(s) at the address shown in GIS.

(Ord. No. 3979, § 1, 5-4-21)

Sec. 10-44. - Exemptions.

The following are exempt such that nuisance noise from them cannot form the basis of a noise nuisance:

- (1) Agricultural activities;
- (2) Approved business or commercial activity on residential property;
- (3) Companion animal noises which violate Code Section 3-104; and
- (4) All shooting of firearms that is lawful under state and local laws and regulations.
- (5) Activities permitted by zoning, special events permits, parade permits, fireworks permits, or other governmental approvals;
- (6) Multi-family structures operated by a management company; and
- (7) Activities for which noise regulation has been pre-empted by federal or state law.

(Ord. No. 3979, § 1, 5-4-21)

Sec. 15-112. - Uses and structures permitted by right (P) or by conditional use permit (CUP).

	Principal Uses and Structures	P or CUP
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Commercial

Antique shop; gift shop	Section 15-112 later in Section	CUP
Automobile repair or service station (with major repair under cover)		CUP
Automobile Sales		CUP
Cabinet making; furniture and upholstery shop		CUP
Car wash		CUP
Contractor storage, small, in accordance with Sec. 15-283.I		CUP
Convenience store		CUP
Gas station		CUP
Golf course; golf driving range; miniature golf course; country club		CUP
Gun range - Indoor or outdoor gun range; rifle range; skeet shooting range; similar range or course; gunsmith shop		CUP
Hotel		CUP
Machinery sales and service		CUP
Office, professional; office, medical		CUP
Restaurant		CUP
Retail use		CUP
Sand and gravel pit; quarry; mining; all in accordance with Sec. 15-283.F		CUP
Taxidermy		P
Truck hauling operation not to exceed two trucks		P



Sec. 24-4. - Discharging weapons in or along roads, etc.

If any person discharges or shoots any firearm or other weapon in or along any public road or street or within one hundred (100) yards thereof or within one hundred (100) yards of any building occupied or used as a dwelling or place where the public gathers, not his own dwelling or residence, except in the lawful defense of his own person or property or that of a member of his family, he shall be guilty of a Class 1 misdemeanor.

(Code 1964, § 10-3)

Cross reference— Penalty for Class 1 misdemeanor, § 1-11; discharging firearms at county landfill, § 18-18(1).

Chapter 16 - NOISE

Footnotes:

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Editor's note— Ord. No. 09-28, adopted June 9, 2010, in effect repealed former Ch. 16, §§ 16-1—16-12, and added a new Ch. 16. Former Ch. 16 pertained to similar subject matter and derived from Ord. No. 97-21, adopted July 23, 1997; Ord. No. 99-08, adopted May 26, 1999; Ord. No. 02-01, adopted February 27, 2002; and Ord. No. 09-13, adopted May 27, 2009.

Cross reference— Limitation on sound emanating from outdoor music or entertainment festivals, § 3-53(10).

Sec. 16-1. - Short title.

This chapter may be referred to as the "noise ordinance" of the county.

(Ord. No. 09-28, 6-9-10)

Sec. 16-2. - Declaration of policy.

It is hereby declared to be the public policy of the county to promote an environment for its residents free from noise that jeopardizes their health or welfare or degrades the quality of life.

(Ord. No. 09-28, 6-9-10)

Sec. 16-3. - Definitions.

The following words and phrases, when used in this chapter, shall have the meaning assigned to them in this section:

Agricultural production shall mean the production for commercial purposes of crops, livestock and livestock products, but not land or portions thereof used for processing or retail merchandising of such crops, livestock or livestock products.

Agricultural products shall mean crops, livestock and livestock products which shall include, but not be limited to, the following:

- (1) Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes and dry beans;
- (2) Fruits, including apples, peaches, grapes, cherries and berries;
- (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions;
- (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
- (5)

Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

A-weighted sound pressure level shall mean the sound pressure level as measured on a sound level meter using the A-weighted scale and programmed to slow response. The level so read shall be proscribed dB(A) or dBA.

dBA shall mean the sound pressure level as measured on a sound meter set to slow response and to the A-weighted scale to approximate the frequency response of the human auditory system.

Designated code enforcement official shall mean any employee of the county who has been appointed by the circuit court to be a special conservator of the peace.

Device shall mean any mechanism which is intended to or which actually produces noise when operated or handled.

Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to danger, including work performed by public service companies when emergency inspection, repair of facilities or restoration of services is required for the immediate health, safety or welfare of the community.

Forestal products shall include, but are not limited to, lumber, pulpwood, posts, firewood, and other wood products for sale or for farm use.

Horticultural products shall include commercial flowers, nursery stock, ornamental shrubs, ornamental trees and Christmas trees.

Lav (dBA) shall mean the average A-weighted sound pressure level measured over any continuous four-hour period.

Noise shall mean any sound which may cause or tend to cause an adverse psychological or physiological effect on human beings.

Noise source shall include any equipment, any on or off road motor vehicle, facility, fixed or movable, or animal capable of producing sound audible beyond the property boundary of the property on which the equipment is used or animal is located.

Person shall mean any individual, corporation, cooperative partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

Public right-of-way shall mean any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public governmental entity.

Sound shall mean a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

Sound level meter shall mean an instrument to measure sound pressure levels which shall meet or exceed performance standards for a "type two" meter as specified by the American National Standards Institute.

Sound pressure shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.

Zoning district refers to the scheme of land use classification contained in the Hanover County Zoning Ordinance.

(Ord. No. 09-28, 6-9-10)

Cross reference— Zoning ordinance, App., Title I.

Sec. 16-4. - Exceptions from chapter.

The provisions of this chapter shall not apply to the following activities:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work;
- (2) Noise caused by or arising out of activities related to repair, maintenance, replacement or alteration of public utility systems or parts thereof, public drainage systems or parts thereof, or streets and highways or parts thereof, and appurtenances thereto, where such activity is reasonably necessary to further a public safety interest and/or to minimize disruption in the provision of public services, e.g., water and sewer service;
- (3) The production of agricultural, horticultural and forestal products, including sawmill operations; or
- (4) Parades permitted by Hanover County or the Virginia Department of Transportation and events, functions or activities at places of public assembly that are subject to a conditional use permit or special exception issued pursuant to the zoning ordinance.
- (5) Sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy.

(Ord. No. 09-28, 6-9-10)

Sec. 16-5. - Enforcement of chapter; civil and criminal penalties.

- (a) *Civil penalties.* The provisions of this chapter may be enforced by designated county code enforcement officials through the issuance of civil summonses assessing civil penalties which shall not exceed two hundred fifty dollars (\$250.00) for each first offense and five hundred dollars

(\$500.00) for each subsequent offense, each day of violation constituting a separate offense; provided, however, that civil penalties shall not be assessed in connection with business being performed on industrial property or the operation of railroads.

- (b) *Criminal penalties.* Any person may request that the magistrate issue, and a deputy sheriff or designated code enforcement official may issue, a criminal summons to any person violating the provisions of sections 16-8, 16-9 and 16-10 of this chapter; provided that no designated code enforcement official shall seek a criminal summons for any violation of this chapter for which civil penalties are applicable. Any person found guilty upon a criminal summons of violating any provision of sections 16-8, 16-9 or 16-10 shall be convicted of a class 3 misdemeanor with a fine of up to five hundred dollars (\$500.00).
- (c) *Responsible person.* The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the noise source. It shall be unlawful for a property owner knowingly to allow other persons to create noise prohibited by this chapter within the boundaries of his or her property.
- (d) *Abatement of violation.* If the violation is uncorrected at the time of a finding of liability on a civil summons or conviction on a criminal summons, the court shall order the violator to abate or remedy the violation in compliance with this chapter within a time period established by the court. Failure to remove or abate a violation within the specified time period shall constitute a separate class 3 misdemeanor, and any such failure during any succeeding ten-day period shall constitute a separate class 3 misdemeanor offense for each ten-day period.
- (e) *Injunctive relief.* In addition to and not in lieu of the penalties prescribed in this section, the county may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this chapter and may seek any other remedy or relief authorized by law.

(Ord. No. 09-28, 6-9-10)

Sec. 16-6. - Severability.

If any provision of this chapter should be determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining provisions of this chapter.

(Ord. No. 09-28, 6-9-10)

Sec. 16-7. - Prohibited noise generally.

- (a) It shall be a violation of this chapter for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such person's lawful and

peaceful enjoyment of property owned or rented by him.

(b) No person shall be charged with a violation of this section unless that person has:

- (1) Received verbal, electronic or written notice from any law enforcement officer or designated code enforcement official of the county that he is violating or has violated the provisions of this section; and
- (2) Had an opportunity to abate the noise disturbance.

(Ord. No. 09-28, 6-9-10)

Sec. 16-8. - Specific acts as noise disturbances.

The following acts are declared to be noise disturbances in violation of this chapter, provided that this list shall not be deemed to be an exclusive enumeration of those acts which may constitute noise disturbances and that an act not listed below may nevertheless constitute a violation of section 16-7.

- (1) Operating or causing to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, drainage or public utility systems or parts thereof, and appurtenances thereto in the outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day, except as provided in section 16-4.
- (2) Repairing, rebuilding or modifying any motor vehicle or other mechanical device in residential use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) residences within a building.
- (3) The collection of trash or refuse in residential use districts between the hours of 9:00 p.m. and 6:00 a.m. the following day.
- (4) Loading or unloading commercial motor vehicles as defined in the zoning ordinance in the outdoors within one hundred (100) yards of a residence between the hours of 9:00 p.m. and 6:00 a.m. the following day.
- (5) Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.
- (6) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph or any other device for the production of sound, between the hours of 10:00 p.m. and 8:00 a.m. the following day, in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) residences within a building.
- (7) Operating or permitting the operation of any radio, tape player, compact disc player or other device for the production of sound on a public right-of-way or in a public place in such a way that the sound is plainly audible at a distance of fifty (50) feet from such device, whether or not the device is situated within a motor vehicle.

- (8) Allowing an animal to create howling, barking, whining, meowing, squawking or other such noises which are plainly audible across a property boundary or through partitions common to two (2) residences within a building and that take place continuously or repeatedly (i) during a period of at least fifteen (15) minutes in duration between 7:00 a.m. until 10:00 p.m. or (ii) during a period of at least 10 minutes in duration between 10:00 p.m. and 7:00 a.m., provided, however, that animal noises on property subject to a special exception for a commercial kennel or conditional use permit for a public animal shelter shall be governed exclusively by the conditions of the special exception or conditional use permit.
- (9) The use of any on or off road motor vehicle so out of repair, so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- (10) The discharge of the exhaust of any internal combustion engine into the open air except through a device which will effectively prohibit loud and explosive noises.
- (11) Operating any on or off road motor vehicle for a period in excess of five (5) minutes in duration or a total of fifteen (15) minutes during any twenty-four-hour period whether on public or private property, not meeting the standards of Title 46.2 of the Code of Virginia pertaining to mufflers and exhaust systems.
- (12) Creating noise which is plainly audible across a property boundary on property in the RS, R-1, R-2, R-3, R-4, R-5 or RM zoning districts between the hours of 10:00 p.m. and 7:00 a.m. in connection with construction or building maintenance, lawn care, leaf removal, gardening, tree maintenance or removal, or any landscaping, lawn or timbering activities.

(Ord. No. 09-28, 6-9-10)

Sec. 16-9. - Operator of sound-producing devices in places of public entertainment or assembly.

It shall be unlawful for any person to operate, or permit to be operated, any loudspeaker or other device for the production of sound in any place of public entertainment or other place of public assembly which produces sound pressure levels of ninety (90) db(a) or greater at any point that is normally occupied by a person, unless conspicuous and legible signs are located outside such place, near the entrance, stating "warning, exposure to sound environment within may cause hearing impairment."

(Ord. No. 09-28, 6-9-10)

Sec. 16-10 - Maximum permissible sound pressure levels from noise sources.

It shall be unlawful for any person to operate, or permit to be operated, any noise source in such a manner that the noise source emits a sound pressure level which exceeds the limits set forth below when measured on property other than that on which the noise source is located. The category of applicable sound pressure limits shall be determined by the zoning district classification of the property on which the noise is measured, not the property on which the noise is produced. Property which has been specifically

determined by the planning commission to be within an area designated on the comprehensive plan for industrial use shall be deemed to fall into the industrial classification for the purposes of this ordinance, even if the property has not yet been rezoned.

Land Use Designation Where Noise is Measured	Maximum Lav dB(A)	
	7:00 a.m. —10:00 p.m.	10:00 p.m.— 7:00 a.m.
Agricultural and Residential: Zones A-C, A-1, AR-1, AR-2, AR-6, R-C, R-1, R-2, R-3, R-4, R-5, R-6	57	52
Commercial: Zones B-1, B-2, B-3, O-S	67	62
Industrial: Zones M-1, M-2, M-3	77	77

(Ord. No. 09-28, 6-9-10)

Section 26-21. - Special exceptions.

Henrico County, VA
Zoning Ordinance
Agricultural District

The following uses may be permitted as special exceptions:

1. Archery ranges.
2. Asphalt batching plants or concrete batching plants.
3. Dog kennels, commercial.
4. Nonaccessory tents for special purposes.
5. Outdoor displays or promotional activities (other than "promotional events").
6. Equestrian facilities.
7. Raising for sale of birds, bees, fish, rabbits and other small animals in a Suburban Development Overlay district only.
8. Rifle or pistol ranges, trap, or skeet shooting.
9. Sawmill for cutting timber not grown on the premises.
10. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
11. Private garage for more than four (4) vehicles, on properties located within the suburban service area as depicted on the phased suburban development plan in the county comprehensive plan.
12. Cemetery for pets.
13. Convalescent homes, nursing homes, or homes for the aged.
14. Day nurseries or child or adult day care centers.
15. Frog or fish farms in the Suburban Development Overlay district only.
16. Sale of farm products not raised on the premises. Such sale shall be permitted only in conjunction with sales pursuant to section 26-19 above and only on a lot no less than ten (10) acres in area.
17. Manufactured homes for living quarters as follows:
 - a. Accessory to a farm;
 - b. In cases of medical hardship, as provided in section 26-23.
18. Contractor's equipment storage yards.
19. Home occupations in an accessory building, home craft shops, or retail sales businesses conducted as a home occupation in accordance with the standards of section 26-279.
20. Sale of Christmas trees not raised on the premises.
21. Auction sales, on a lot no less than ten (10) acres in area, located outside of the Suburban Development Overlay district, with no more than four (4) such sales in any calendar year.

22. Open or enclosed space for the storage of one (1) commercial motor vehicle with greater than two (2) ton capacity on property that is located outside of the suburban service area as depicted on the phased suburban development plan in the county comprehensive plan, subject to the following standards:
 - a. The tax parcel on which the vehicle is stored shall be a minimum of two (2) acres in area and shall have public road frontage; and
 - b. A sketch plan shall be submitted for review at the time of application, in accordance with the standards specified in section 26-323.
23. Bed and breakfast, in accordance with the standards of section 26-300.
24. Fences up to seven (7) feet in height, located within the front yard on lots outside of the suburban service area.
25. Accessory housing unit in accordance with the standards of section 26-280.
26. Outdoor musical or entertainment festivals.
27. Telecommunications towers and related facilities that:
 - a. Exceed one hundred (100) feet in height but do not exceed one hundred forty (140) feet in height; or
 - b. Exceed fifty (50) feet but do not exceed one hundred forty (140) feet and are located along designated scenic roads or waterways or within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, in accordance with the standards set forth in section 26-282 through 26-292.
28. Assisted living facilities that house nine (9) or more persons, not including caregivers
29. Children's residential facilities.
30. The reduction in the front yard setback for new structures or the expansion of existing structures within areas designated in the comprehensive plan as Rural Village, in accordance with the standards set forth in section 26-338.1; provided, in no event shall the front yard setback be reduced below ten (10) feet.
31. Short-term rental, non-owner-occupied, or short-term rental, accessory detached, in accordance with the standards of section 26-300.1 subsection 2.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 16-13, § 2, 2-8-17; Ord. No. 18-03, § 2, 4-25-18; Ord. No. 23-06, § 2, 5-24-23; Ord. No. 24-09, § 3, 1-22-25; Ord. No. 25-02, § 3, 5-28-25; Ord. No. 25-10, § 2, 8-27-25)

Section 26-36. - Special exceptions.

Hannover County, VA
Zoning Ordinance
Agricultural ~~Residential~~
Residential District
AR-6

The following uses may be permitted as special exceptions:

1. Archery ranges.
2. Asphalt batching plants or concrete batching plants.
3. Dog kennel, commercial.
4. Miniature golf courses or driving ranges.
5. Nonaccessory tents for special purposes.
6. Outdoor displays or promotional activities.
7. Equestrian facilities.
8. Raising for sale of birds, bees, fish, rabbits and other small animals in a Suburban Development Overlay District only.
9. Rifle or pistol ranges, trap, or skeet shooting.
10. Sawmill for cutting timber not grown on the premises.
11. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
12. Private garage for more than four (4) automobiles.
13. Cemetery for pets.
14. Convalescent homes, nursing homes, or homes for the aged.
15. Day nurseries or child or adult day care centers.
16. Frog or fish farms, in the Suburban Development Overlay District only.
17. Sale of farm products not raised on the premises. Such sale shall be permitted only in conjunction with sales pursuant to section 26-34 above and only on a lot no less than ten (10) acres in area.
18. Manufactured homes for living quarters as follows:
 - a. Accessory to a farm;
 - b. In cases of medical hardship, as defined in section 26-38, below.
19. Equipment storage yards accessory to a business office for construction or service contractors, operated as a home occupation, when located outside of the Suburban Development Overlay District, provided:
 - a. The maximum number of employees on-site shall not exceed ten (10) per establishment.
 - b. There shall be no more than ten (10) pieces of motor propelled equipment stored per site, related to the designated use.
 - c.

There shall be a minimum lot size of five (5) acres, and no more than two (2) acres shall be devoted to the use permitted pursuant to this section.

- d. There shall be no associated structure on-site larger than five thousand (5,000) square feet in size.
 - e. When equipment storage is within one hundred (100) feet of a property zoned for residential use, the equipment shall be screened in accordance with the standards specified in section 26-263.
 - f. Applications shall be accompanied by a sketch plan prepared in accordance with the standards specified in section 26-323.
- 20. Home occupations in an accessory building, home craft shops, or retail sales businesses conducted as a home occupation, in accordance with the standards of section 26-279.
 - 21. Sale of Christmas trees not raised on the premises.
 - 22. Auction sales, on a lot no less than ten (10) acres in area, located outside of the Suburban Development Overlay District, with no more than four (4) such sales in any calendar year.
 - 23. Open or enclosed space for the storage of one (1) commercial vehicle with greater than one-ton capacity on property located outside of the Suburban Development Overlay District and outside of an approved subdivision, subject to the following standards:
 - a. The tax parcel on which the vehicle is stored shall be a minimum of two (2) acres in area and shall have public road frontage;
 - b. If the vehicle is stored in an open space, the space shall be located at least one hundred (100) feet from any property zoned for residential use or shall be screened in accordance with the standards specified in section 26-263; and
 - c. A sketch plan shall be submitted for review at the time of application, in accordance with the standards specified in section 26-323.
 - 24. Bed and breakfast, in accordance with the standards of section 26-300.
 - 25. Fences up to seven (7) feet in height, located within the front yard on lots outside of the suburban service area.
 - 26. Accessory family housing unit for use by a family member in accordance with the standards of section 26-280.
 - 27. Telecommunications towers and related facilities that exceed fifty (50) feet but do not exceed one hundred (100) feet in height, in accordance with the standards of section 26-282 through 26-292.
 - 28. Assisted living facilities that house nine (9) or more persons, not including caregivers.
 - 29. Children's residential facilities.
 - 30.

The reduction in the front yard setback for new structures or the expansion of existing structures within areas designated in the Comprehensive Plan as Rural Village, in accordance with the standards set forth in section 26-338.1; provided, in no event shall the front yard setback be reduced below ten (10) feet.

31. Accessory housing unit in accordance with the standards of section 26-280.

32. Short-term rental, non-owner-occupied, or short-term rental, accessory detached, in accordance with the standards of section 26-300.1 subsection 2.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 16-13, § 3, 2-8-17; Ord. No. 23-06, § 3, 5-24-23; Ord. No. 24-09, § 5, 1-22-25; Ord. No. 25-10, § 3, 8-27-25)

Section 26-111. - Special exceptions. ✓

Henrico County, VA
Zoning Ordinance
B-1, Neighborhood
Business District

The following uses may be permitted as special exceptions:

1. Adult day care centers.
2. Archery ranges (indoor only).
3. Assisted living facilities.
4. Auction sales, on a lot no less than ten (10) acres in area, located outside of the suburban development district, with no more than four (4) such sales in any calendar year.
5. Children's residential facilities.
6. Commercial dog kennels.
7. Convalescent homes, nursing homes, or homes for the aged.
8. Day nurseries or child day care centers.
9. A dwelling for use by proprietor or employee of business other than a hotel or motel.
10. Fences up to seven (7) feet in height, located within the front yard on lots outside of the suburban service area.
11. Nonaccessory tents for special purposes.
12. Outdoor displays or promotional activities (other than "promotional events").
13. Outdoor musical or entertainment festivals.
14. Raising for sale of birds, bees, fish, rabbits and other small animals in a suburban development district only.
15. Rifle or pistol ranges, or trap shooting (indoor only).
16. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
17. Telecommunications towers and related facilities that:
 - a. Exceed one hundred (100) feet in height but do not exceed one hundred forty (140) feet in height; or
 - b. Exceed fifty (50) feet but do not exceed one hundred forty (140) feet and are located along designated scenic roads or waterways or within the "FAA Part 77 Area" as depicted on the public works facilities plan in the county comprehensive plan, in accordance with the standards set forth in sections 26-282 through 26-292.
18. In areas designated on the General Land Use Map of the Comprehensive Plan as Rural Village, in accordance with the standards of section 26-338.1:
 - a.

Multiple-use structure, with no more than three (3) residential units, provided, no more than fifty (50) percent of the floor area within such structure shall be used for residential purposes; and

- b. A reduction in the front yard setback for a multiple-use structure, in accordance with the standards set forth in section 26-338.1; provided, in no event shall the front yard setback be reduced below ten (10) feet.

(Ord. No. 12-08, § 3, 1-9-13; Ord. No. 16-13, § 4, 2-8-17)

Sec. 51-5. - Exemptions permitted.

- (a) Nothing in this chapter shall apply to law enforcement, ambulances, or other emergency vehicles and personnel, aircraft or to any noise or sound created thereby or to any noise or sound created by any person to sound a warning or call attention to a bona fide emergency.
- (b) The provisions of this chapter shall not apply to the following:
 - (1) Music, bells or chimes that are part of a bona fide religious service, observation or other such religious event.
 - (2) The striking of clocks.
 - (3) Sirens operated by Virginia Dominion Power in connection with the North Anna Nuclear Power Station.
 - (4) Bona fide agricultural activity, forestal activity or agribusiness.
 - (5) Sound, which is necessary for the protection or preservation of property or the health and safety, life or limb of any person.
 - (6) Parades, school-related activities, and other such public special events or public activities.
 - (7) Locomotives and other railroad equipment.
 - (8) Military activities of the commonwealth or of the United States of America.
 - (9) Lawful discharge of firearms.

(Res. of 5-3-04(04.049))

Sec. 54-6. - Hunting—In residential subdivision prohibited.

- (a) It shall be unlawful for any person to illegally discharge firearms within the boundaries of any subdivision in which there are two or more dwellings and which is located within an area zoned residential, provided that clearly visible signs stating that hunting is prohibited in such subdivision have been posted to designate the boundaries of such subdivision.
- (b) For any subdivision in which there are two or more occupied dwellings and which is located in an area zoned residential, clearly visible signs stating that hunting is prohibited in such subdivision and clearly designating the boundaries of such subdivision shall be posted by each owner of a lot on the boundary of the subdivision in such a way as to designate the boundaries of the subdivision.
- (c) Any person who violates subsection (a) or (b) shall be guilty of a class 3 misdemeanor.

(Ord. of 12-17-90)

Cross reference— Animals, ch. 14; zoning, ch. 86.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are undefined, they shall have their ordinarily accepted meaning, or such as the context may imply.

Generally. The words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" or "should" is permissive.

Abattoir. A commercial slaughterhouse solely used for the preparation of meat and poultry products and not part of an agricultural operation.

Above ground level (AGL). The height of a structure measured from ground level to its top. AGL = Height.

Accessory dwelling unit (was accessory apartment). A separate, independent dwelling unit located on the same property as the primary dwelling unit subject to the following:

- (1) A dwelling unit contained within a single-family dwelling, that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level;
- (2) A dwelling unit attached to a single-family dwelling, that may equal the existing finished square footage of the primary dwelling if the lot is at least double the minimum lot area;
- (3) A dwelling unit less than 1,500 square feet in finished floor space and located within a detached accessory structure no more than one-half the size of the finished square footage of the primary dwelling unit located on the subject property; or
- (4) A dwelling unit attached to the primary single-family dwelling that shall be no more than one-half the size of the finished square footage of the primary dwelling unit located on the subject property.
- (5) Occupancy of such accessory dwelling unit shall be limited to no more than one family (as defined) or up to three unrelated persons and shall not be rented in less than six-month increments, and the primary dwelling unit must be occupied by the owner of the subject property or an immediate family member (as defined). Only one accessory dwelling unit shall be allowable per lot.
- (6) Manufactured homes, mobile homes, RV's, camping trailers and other traditionally temporary structures are not accessory dwelling units.

Accessory use or structure. A use or structure clearly subordinate and customarily incidental to the main use or structure accessory to and located upon the same lot occupied by the main use or structure.

Accessory uses are allowable uses in all zoning districts, subject to any requirements found in this chapter.

Sawmill, temporary. A portable sawmill temporarily located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto. This definition does not include logging operations that are not regulated by the county.

Sawmill, temporary non-commercial. A portable sawmill temporarily located on private property for the non-commercial processing of timber cut only from that property or from property immediately contiguous and adjacent thereto. Non-commercial sawmills may only be operated for 21 calendar days. This definition does not include logging operations or personal property maintenance work which are not regulated by the county.

School, private. Any building or group of buildings the use of which meets state requirements for elementary, secondary or higher education which use does not secure the major part of its funding from any governmental agency.

Screening. A method of visually shielding or obscuring abutting or nearby structures or uses from another by opaque fencing, walls, or densely planted vegetation.

Service area. A geographic area established by the board of supervisors and designated in the county comprehensive plan or an element thereof in which a public water or sewer system is authorized to offer its services.

Setback. The minimum distance of separation by which any building or structure must be have in relationship to the property lines.

Setback line. See "building setback line."

Setback projections. Certain residential property improvements may project into the required yards or setbacks in all zoning districts according to the table found in section 86-118.

Shelter. A facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

Shooting range, indoor. A facility for the use of a structure for archery or firearms for the purposes of target practice or competitions, for commercial purposes.

Shooting range, outdoor. A facility for the use of land for archery or firearms for the purposes of target practice, skeet and trap shooting, mock war games, or formal competitions, for commercial purposes.

Short-term rental of a dwelling. The rental of a dwelling for periods of 30 days or less.

Shrub. A woody plant producing multiple shoots or stems from the base height, with a total height of 15 feet or less. When used to meet the landscaping criteria, perennial plants that, at the time of planting, shall have a minimum height of two feet measured from the ground elevation after planting or was grown in a three-gallon container.

Uses allowable by-right or by conditional use permit or disallowable within the county's specific zoning districts, are identified within this matrix. A list of uses run down the first column and a list of zoning districts run across the top row. The intersection between the first column and the rows shows the particular uses for a particular zoning district.

B = Allowable by-right

B(R) = Allowable by-right (with restrictions)

C = Conditional use permit

X = Not allowable

	A-1	A-1 (GAOD)	A-2	A-2 (GAOD)	R-1	R-1 (GAOD)	R-2	R-2 (GAOD)	C-1	C-1 (GAOD)	C-2	C-2 (GAOD)	IND	IND (GAOD)	I-1	I-1 (GAOD)	I-2	I-2 (GAOD)
AGRICULTURAL																		
Abattoir	C	C	C	C	X	X	X	X	C	C	C	C	C	C	C	C	C	C
Agricultural Activity Passive	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Agricultural Operation	B	B	B	B	C	C	C	C	C	C	X	C	C	C	C	C	C	C
Agricultural Operation Intensive	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Animal waste treatment system	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Brewery, Limited	B	B	B	B	X	X	X	X	C	C	B	B	X	X	X	X	X	X
Brewery, Major	C	C	C	C	X	X	X	X	C	C	C	B	B	B	B	B	B	B
Dairy	B	C	B	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Distillery, Farm	B	B	B	B	X	X	X	X	C	C	B	B	X	X	X	X	X	X
Distillery, Major	C	C	C	C	X	X	X	X	C	C	C	B	B	B	B	B	B	B
Farm employee housing	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Farm sales	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Forestry use	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Livestock market	B	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Sawmill, permanent	C	X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	B	B
Sawmill, temporary	B	B	B	B	X	X	X	X	X	X	X	X	B	B	B	B	B	B

Sawmill, temporary non- commercial	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Stable, commercial	B	C	C	C	X	X	X	X	X	X	X	X	X	X	X
Stable, private	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X
Wayside stand	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X
Winery, Farm	B	B	B	B	X	X	X	X	C	C	B	B	X	X	X
Winery, Major	C	C	C	C	X	X	X	X	C	C	C	B	B	B	B
RESIDENTIAL															
Accessory dwelling unit	B	B	B	B	B	B	B	B	X	X	X	X	X	X	X
Cottage	C	C	C	C	C	C	C	C	X	X	X	X	X	X	X
Dormitory	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X
Food truck	B	B	B	B	X	X	X	X	B	B	B	B	B	B	B
Group home	B	B	B	B	B	B	B	B	B	B	B	B	X	X	X
Guest home	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X
Guestroom	B	B	B	B	B	B	B	B	X	X	X	X	X	X	X
Manufactured home	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X
Multi-family dwelling	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X
Single-family dwelling, attached	X	X	X	X	X	C	X	C	X	X	X	X	X	X	X
Single-family dwelling, detached	B	B	B	B	B	B	B	B	X	X	X	X	X	X	X
Temporary family health care structure	B	B	B	B	B	B	B	B	X	X	X	X	X	X	X
Two-family dwelling	X	X	C	C	C	C	C	C	X	X	X	X	X	X	X
CIVIC															
Civic use	C	C	C	C	C	B	C	B	C	B	C	B	C	B	X
Club	C	C	C	C	C	C	C	C	C	B	C	B	X	X	X

Correction facility	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X
Cultural services	X	X	C	C	C	C	C	B	C	B	B	B	X	X	X
Educational facility, college/university	C	C	C	C	X	X	X	X	C	B	C	B	X	X	X
Educational facility, primary/secondary	C	C	C	C	C	B	C	B	C	B	C	B	X	X	X
Emergency shelter	X	X	C	C	X	X	X	X	C	C	C	B	C	B	X
Post office	C	C	C	C	X	X	X	X	C	B	B	B	C	B	X
Public assembly	C	C	C	C	X	X	X	X	C	C	C	C	X	X	X
Public maintenance and service facility	C	C	C	C	X	X	X	X	C	B	C	B	C	B	C
Public park and recreational area	C	C	C	C	C	B	C	B	C	B	C	B	X	X	X
Public recreation assembly	C	C	C	C	C	C	C	C	C	B	C	B	X	X	X
Recycling center	C	C	C	C	C	C	C	C	C	B	C	B	C	B	C
Refuse collection site	C	C	C	C	X	X	X	X	X	X	X	X	C	C	C
Religious assembly	C	C	C	C	C	B	C	B	C	B	C	B	C	B	C
Shelter	X	X	X	X	X	X	X	X	C	C	C	C	C	C	X
Utility service, major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility service, minor	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
COMMERCIAL															
Assisted living facility	X	X	C	C	C	C	C	C	B	B	B	B	X	X	X
Automobile dealership	X	X	X	X	X	X	X	X	C	C	C	B	X	X	X
Automobile parts/supply, retail	X	X	X	X	X	X	X	X	C	B	C	B	X	X	X

Automobile rental/leasing	X	X	X	X	X	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Automobile repair service	C	C	C	C	X	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Bed and breakfast	C	C	C	C	C	C	C	C	C	B	B	B	B	X	X	X	X	X	X
Boardinghouse	C	C	C	C	C	C	C	C	C	B	B	B	B	X	X	X	X	X	X
Business or trade school	X	X	C	C	X	X	X	X	X	B	B	B	B	C	B	C	B	X	X
Business support service	X	X	X	X	X	X	X	X	X	B	B	B	B	X	X	X	X	X	X
Camp	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Campground	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Car wash	X	C	X	C	X	X	X	X	X	C	B	B	B	X	X	X	X	X	X
Cemetery	C	C	C	C	X	X	X	X	X	X	X	B	B	X	X	X	X	X	X
Commercial Assisted Living Facility	X	X	X	X	X	X	X	X	X	X	C	C	C	X	X	X	X	X	X
Commercial indoor amusement	X	X	X	X	X	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Commercial indoor entertainment	X	X	X	X	X	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Commercial indoor sports and recreation	X	X	X	X	X	X	X	X	X	C	C	C	B	X	X	X	X	X	X
Commercial outdoor entertainment	X	X	C	C	X	X	X	X	X	C	C	X	B	X	X	X	X	X	X
Commercial outdoor sports and recreation	X	X	C	C	X	X	X	X	X	C	C	X	B	X	X	X	X	X	X
Commercial vehicle repair service	X	C	X	C	X	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Communications service	X	X	C	C	X	X	X	X	X	B	B	C	B	C	B	C	B	X	X

Construction sales and service	X	C	X	C	X	X	X	X	C	C	X	B	C	C	C	C	C	C
Construction yard	X	C	X	C	X	X	X	X	C	C	C	C	C	B	C	B	C	B
Consumer repair service	X	C	X	C	X	X	X	X	B	B	B	B	C	B	C	B	X	X
Custom manufacturing	C	C	C	C	C	C	C	C	B	B	B	B	C	B	C	B	C	B
Contractor's Offices and Shop	C	C	C	C	X	X	X	X	C	B	C	B	B	B	B	B	B	B
Dance hall	X	X	X	X	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Day care	B	B	B	B	C	C	C	C	B	B	B	B	X	X	X	X	X	X
Day care center	X	C	C	C	C	C	C	C	B	B	B	B	X	X	X	X	X	X
Entertainment establishment, adult	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Equipment sales and rental	X	X	X	X	X	X	X	X	C	C	C	B	C	B	C	B	X	X
Family day care home	B	B	B	B	C	C	C	C	B	B	B	B	X	X	X	X	X	X
Farmers Market	C	C	C	C	X	X	X	X	C	C	C	C	X	X	X	X	X	X
Financial institution	X	X	X	X	X	X	X	X	B	B	B	B	B	B	B	B	X	X
Funeral home	X	X	X	X	X	X	X	X	B	B	B	B	B	B	B	B	X	X
Garden center	X	X	X	X	X	X	X	X	B	B	B	B	X	X	X	X	X	X
Gasoline station	X	X	C	C	X	X	X	X	C	B	C	B	X	X	X	X	X	X
General office	C	C	C	C	X	X	X	X	B	B	B	B	B	B	B	B	X	X
Golf course	X	X	C	C	C	C	C	C	X	X	X	X	X	X	X	X	X	X
Grocery store	X	X	X	X	X	X	X	X	C	B	B	B	X	X	X	X	X	X
Guidance services	X	X	X	X	X	X	X	X	B	B	B	B	B	B	B	B	X	X
Halfway house	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	X	X
Home Occupation, class A	B	B	B	B	B	B	B	B	B	B	B	B	X	X	X	X	X	X

Home Occupation, class B	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	X
Hotel	X	X	X	X	X	X	X	X	C	B	C	B	X	X	X	X
Itinerate Vendor	X	X	X	X	X	X	X	X	X	B	X	B	X	B	X	B
Kennel, Commercial	C	C	C	X	X	X	X	X	C	C	B	X	C	C	C	C
Licensed medical facility	X	X	X	X	X	X	X	X	B	B	B	B	B	B	B	B
Life care facility	X	C	X	C	C	C	C	C	B	B	B	B	X	X	X	X
Manufactured home sales	X	X	X	X	X	X	X	X	X	X	C	B	X	X	X	X
Marina	X	X	X	X	X	X	X	X	X	X	C	B	X	X	X	X
Medical office	X	X	X	X	X	X	X	X	B	B	B	B	B	B	B	B
Mini-warehouse	X	C	X	C	X	X	X	X	C	C	B	B	C	B	C	B
Nursing home	X	C	X	C	C	C	C	C	B	B	B	B	X	X	X	X
Parking facility	X	X	X	X	X	X	X	X	C	B	C	B	C	B	C	B
Pawn shop	X	X	X	X	X	X	X	X	C	B	C	B	X	X	X	X
Personal improvement services	X	X	X	X	X	X	X	X	B	B	B	B	X	X	X	X
Personal services	X	X	X	X	X	X	X	X	B	B	B	B	X	X	X	X
Private School	C	C	C	C	C	C	C	C	B	B	B	B	X	X	X	X
Recreational vehicle sales and service	X	X	X	X	X	X	X	X	X	X	C	B	X	X	X	X
Restaurant	X	X	C	C	X	X	X	X	B	B	B	B	X	X	X	X
Restaurant, drive-in	X	X	X	X	X	X	X	X	C	C	B	B	X	X	X	X
Retail sales of controlled substances	X	X	X	X	X	X	X	X	C	C	C	C	X	X	X	X
Shooting range, indoor	C	C	C	C	X	X	X	X	C	C	C	C	C	B	C	B

Shooting range, outdoor	C	C	C	C	X	X	X	X	X	X	X	X	C	C	C	C	C	C
Short-term rental of a dwelling	B	B	B	B	C	* B(R)	C	* B(R)	C	C	C	C	C	C	C	C	C	C
Special Occasion Facility	C	C	C	C	X	X	X	X	X	C	C	B	X	X	X	X	X	X
Specialty shop	X	X	C	C	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Store, adult	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Store, general	X	X	X	X	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Store, neighborhood convenience	C	C	C	C	X	X	X	X	C	B	C	B	X	X	X	X	X	X
Studio, fine arts	X	X	C	C	X	X	X	X	B	B	B	B	X	X	X	X	X	X
Surplus sales	X	X	X	X	X	X	X	X	C	C	C	B	C	C	C	C	C	C
Transportation terminal	X	X	X	X	X	X	X	X	C	C	C	C	C	B	C	B	X	B
Truck stop	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X
Truck terminal	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C	X	B
Veterinary hospital/clinic	C	C	C	C	X	X	X	X	B	B	B	B	B	B	B	B	X	X
INDUSTRIAL																		
Industrial, light	X	X	X	X	X	X	X	X	X	X	X	X	C	B	C	B	C	B
Industrial, medium	X	X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	B
Industrial, heavy	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	C
Laboratory	X	X	X	X	X	X	X	X	X	X	X	X	C	B	C	B	C	B
Motor vehicle towing service	B	B	B	B	X	X	X	X	C	C	C	C	C	C	C	C	C	C
Railroad facility	X	X	X	X	X	X	X	X	X	X	C	C	C	B	C	B	C	B
Research and development	X	X	X	X	X	X	X	X	X	X	X	X	C	B	C	B	C	B
Resource extraction	C	X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	C

Salvage and scrap service	X	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	C
Transfer station	X	X	X	X	X	X	X	X	X	C	C	C	C	C	C	C	C
Warehousing and distribution	X	X	X	X	X	X	X	C	C	C	B	C	B	C	B	C	B
MISCELLANEOUS																	
Amateur radio tower	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Aviation facility	C	X	X	X	X	X	X	X	X	X	X	C	C	C	C	C	B
Broadcasting or communication tower	C	C	C	C	X	X	X	X	X	X	X	C	C	C	C	C	C
Cemetery, private	B	B	B	B	B	B	B	B	B	B	B	X	X	X	X	X	X
Kennel, private	B	B	B	B	X	X	X	X	X	X	X	X	X	X	X	X	X
Outdoor gathering	C	C	C	C	X	X	X	X	C	C	C	C	C	C	C	X	X
Solar Generation Facility, Small-Scale	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Solar Generation Facility, Minor-scale	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Solar Generation Facility, Utility-scale	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Temporary conditional uses	C	C	C	C	C	C	C	X	X	X	X	X	X	X	X	X	X

*GAOD for short-term rental of a dwelling means all properties zoned residential limited (R-1) and residential general (R-2) located within the boundaries of a designated growth area as shown on the 2040 comprehensive plan.

(Res. of 1-18-22(2022-2); Ord. of 10-2-23(2023-7), Att.; Ord. of 6-3-24(2024-7), Att.; Ord. of 1-7-2025(2025-1); Ord. of 1-21-2025(2025-2); Ord. of 6-2-2025(2025-8))

VIRGINIA: AT THE MEETING OF THE FIREARMS STUDY ADVISORY COMMITTEE TO THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA, HELD IN THE MULTIPURPOSE ROOM OF THE PAMPLIN ADMINISTRATION BUILDING, 14016 BOYDTON PLANK ROAD, DINWIDDIE, VIRGINIA, ON THE 20th DAY OF MARCH, 2014, AT 7:00 P.M.

MEMBERS PRESENT:

DANIEL D. LEE, BOARD OF SUPERVISORS
DONALD T. ADAMS, SHERIFF
JIMMY CONNELLY
STEVE SCHMIDT
R.J. HOYLE
WAYNE LUCY
ANTHONY SIMMONS
SAM HAYES, PLANNING COMMISSION REPRESENTATIVE
DELORES BLAND
WILLIAM BLAND

ADMINISTRATION
PRESENT:

MAJOR WILLIAM KNOTT, DINWIDDIE COUNTY SHERIFF'S OFFICE
TYLER SOUTHALL, COUNTY ATTORNEY

I. Introduction and Call to Order

The meeting started approximately 15 minutes late, due to the late arrival of a Committee Member. Mr. Lee opened the meeting as Chairman, noting that it would be good to differentiate between those who were on the Committee and those citizens who were not on the Committee during the meeting. He noted that there would be discussion between Committee Members and then it would be open for public discussion.

II. Roll Call

Mr. Lee asked for a roll call of Committee Members. Messrs. Lee, Adams, Connelly, Schmidt, Hoyle, Lucy, Simmons, Hayes, and Bland were present as was Mrs. Bland. Mrs. Caruso and Mr. Shaw were absent.

III. Approval of Agenda

A motion to adopt the agenda was made and seconded. The agenda was adopted by voice vote.

IV. Approval of Minutes from January 9, 2014 Meeting

Mr. Lee noted that the minutes were sent in a packet, and he asked if there were any corrections that anyone would like to make. Mr. Southall pointed out some minor changes that had been made to the minutes. A motion to adopt the minutes was made and seconded. The minutes from the January 9, 2014 meeting were adopted by voice vote.

V. Report from Sheriff

Mr. Lee noted that at the last meeting the Sheriff had been asked to address items. The Sheriff noted that he had talked to the people shooting near the Bland's house. He said that when the neighbors found out that they could not use high powered rifles, they sent that gun back to South Carolina. The Sheriff indicated that the neighbors in question had agreed not to shoot. He regarded the matter as resolved. The Sheriff said that he had some recommendations. He said that he had looked at the laws and thought about the issues and was torn. He said that he wanted to be fair to all the citizens of Dinwiddie. He said that he had a couple of suggestions. His first recommendation was to table the issue for twelve to eighteen months and see what type of complaints came in. He said that he would have the Sheriff's Office keep records to report back to the Committee. He said that the fairest rule would be to adopt a "distance" rule. He pointed out that Fauquier County said that it shall be unlawful to discharge a firearm within 100 yards from any occupied dwelling without advance permission of the owner. The Sheriff noted that Hanover County and Chesterfield had similar rules. The Sheriff restated that if an ordinance was to be adopted, it should be one like this.

VI. Report from County Attorney

Mr. Southall noted that he had a short report to give. He had presented what is attached as Appendix A to the Committee. He noted that he presented the Committee with four different choices last time: (1) maintain the status quo, (2) create a distance requirement ordinance as the Sheriff had just discussed, (3) a stricter background ordinance, or (4) amending the noise ordinance. Mr. Southall noted that options (1) and (2) were easy to understand. Mr. Southall discussed Sections 3-59 through 3-69 of the Dinwiddie County Code. Mr. Southall noted that these sections had generated a fair amount of discussion last time. Mr. Southall walked the Committee through the aforementioned sections of the County Code. Mr. Southall noted that option (4), amending the noise ordinance, was not legally a good idea.

Mr. Southall noted that after the last Committee meeting, several members of the Committee had asked Mr. Southall to prepare a recommendation to the Board of Supervisors to repeal the "backdrop ordinance", Sections 3-59 through 3-69 of the County Code. Mr. Southall briefly discussed the history of this section of the County Code. Mr. Southall noted that Mr. Massengill, County Administrator, had informed Mr. Southall that the county had received two applications pursuant to these code sections since 2006. Mr. Southall noted that the County had not made much effort to enforce this ordinance in recent years in part based on the definitions.

At the request of several Committee members, Mr. Southall noted that he had prepared a recommendation to the Board of Supervisors as an action item to repeal Sections 3-59 through 3-69 of the Dinwiddie County Code.

Mr. Southall noted that one Committee Member had asked him to address four questions. The first question was what is allowed under the Dillon Rule with respect to the backdrop ordinance. Mr. Southall stated that he believed that the Dillon Rule allowed for the backdrop ordinance. The second question was what definition could be used for a target range. Mr. Southall gave a suggested definition of target range, but noted that it was a difficult issue to tackle. The third

question was what regulations could be imposed on target ranges as far as a backdrop is concerned. Mr. Southall noted the existence of "The NRA Range Source Book: A Guide to Planning and Construction". He said a publication such as that could be referenced in an ordinance. The fourth question was whether a violation of the backdrop rule could be prosecuted as a civil penalty rather than a criminal penalty. Mr. Southall explained the difference between criminal and civil penalties. Mr. Southall noted that zoning ordinances could impose civil penalties, and he said that it would be delicate, but it might be possible to incorporate a backdrop ordinance into the zoning ordinance. Mr. Southall noted this would have to go through the Planning Commission.

Mr. Southall noted that if the Committee desired to recommend that the Board of Supervisors adopt additional regulations, the best route would be to adopt a "distance requirement." Mr. Southall concluded his comments and asked if there were any questions. Mr. Lee asked what would happen if someone wanted to put in a commercial shooting range. Mr. Southall responded that it was not currently a permitted use under the zoning code. Mr. Lee discussed the difference between commercial shooting ranges and target shooting. Mr. Southall stated that charging admission would be a bright line rule between the two.

VII. Committee Member Comment Period

Committee members discussed the merits of distance requirements and backdrop requirements. One Committee member thanked the Sheriff for helping resolve the shooting issue at the Blands' residence, and that it was good to try to resolve cases before approving new laws. The Sheriff noted that when he got a call, he looked to see if there was a safety issue. He noted that he could charge people with reckless handling of a firearm. The Sheriff noted that the backstop ordinance could be repealed. Ms. Bland talked about the complexity of regulations and said that individuals should have regard for others. Ms. Bland said that people needed to be courteous and use common sense. Sheriff Adams noted that this was a noise issue, but he noted that the Commonwealth's Attorney and the County Attorney had said that the noise ordinance was not a good way to regulate firearms discharges. Mr. Hoyle noted that noise should be viewed as pollution and he said that the firearms issue should be viewed in a "civil sense" as this was really a noise issue and not a safety issue. Another Committee Member noted that they did not want to open Pandora's box with a noise ordinance. Mr. Lee encouraged civic groups to encourage members to think about their neighbors when discharging firearms. Mr. Lee asked how much education of citizens had to play into this as we move forward on whether we do a distance ordinance. The Committee Members noted that there could be civil and criminal liability if people target shot without proper backstops. The Committee Members discussed the backdrop ordinance.

VIII. Citizen Comment Period

Raymond Rivers asked if people could shoot rapid fire legally. It was replied that people could shoot rapid fire. He was happy that the gentleman near the Blands' was not shooting anymore, but he did note that there was rapid fire shooting last weekend.

Tom Worrel asked how far rifles penetrate.

Morris Wells stated that he thought it would be a good idea to have a commercial shooting range.

J.W. "Sonny" Crumpler stated that the recommendations by Sheriff Adams were good. He asked whether it would be a good idea for Parks & Recreation to set up a shooting range.

Anna Peagram noted that she agreed with Mrs. Bland and Mr. Rivers. She thought that it would be a good idea for someone to set up a target range.

Mr. Robert Hoyle asked a question about Virginia Code Section 15.2-1209, and how broad it was. Mr. Southall noted that the authorization of Section 15.2-1209 was fairly broad, and that it appeared that counties such as Fauquier had relied on this in developing their ordinances governing how close firearms could be discharged from others' dwellings.

The Sheriff was asked whether there were any "outstanding" "aggravated instances". The Sheriff noted that most of the time, the people discharging the firearms would understand that they were disturbing their neighbors, but that some people did not stop.

Mr. Southall was asked if there was anything that could be used to stop these "aggravated instances," and he replied that under the current County Code, there was not.

Mr. Burton T. Davis spoke and Mr. Lee agreed with him that there was a great deal of shooting in Dinwiddie that was considerate to neighbors. Mr. Lee said that he thought that the Committee needed to get data to make a good decision.

IX. Action Item: Decision re: Recommendation to Board of Supervisors and/or Future Meetings

There was a motion and a second to have the Committee recommend a study by the Sheriff. Mr. Southall clarified that the Committee would like to meet again in 12 months. There was a motion and a second. Mr. Lee asked if there was any discussion. Mr. Lee asked for a show of hands of all those in favor. The motion carried. Mr. Lee noted that the Committee would hear from the Sheriff when they got back together.

Mr. Hoyle made a motion regarding suggesting the repeal of Sections 3-59 through 3-69 to the Board of Supervisors. The motion was seconded. Mr. Lee stated that this motion would ask the Board of Supervisors to look into repealing Sections 3-59 through 3-69. Ms. Bland indicated that she would like this decision deferred. The Sheriff noted that if the backdrop ordinance was repealed and then the County realized that it needed the backdrop ordinance back, then it could readopt the ordinance at that point. Mr. Lee asked for those in favor and those opposed by a show of hands. The motion carried, with Ms. Bland being the only "no" vote.

Mr. Lee asked if there was any other business before the Committee.

X. Other Business

Mr. Hoyle thought that it might be helpful for the County Attorney to look into the definition of shooting range. Mr. Southall replied that if Sections 3-59 and 3-69 were repealed, then he did not think that the definition of shooting range would be pivotal.

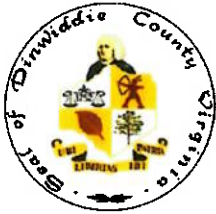
Mr. Lee thanked everyone for coming to the meeting. He said that he thought Dinwiddie was proud of its rural character and was proud to have hunting as part of its heritage and the ability to shoot guns. He noted that with that there needed to be some responsibility associated with shooting.

Mr. Lee asked if anyone from the Committee would like to present their recommendation to the Board of Supervisors. It was decided that Mr. Lee would do so.

XI. Adjournment

Mr. Lee declared the meeting adjourned. The meeting lasted approximately one hour and eighteen minutes.

APPENDIX A



Dinwiddie County Attorney's Office

14016 Boydton Plank Road

Dinwiddie, VA 23841

Phone: (804) 469-4500

Fax: (804) 469-4503

To: Firearms Study Advisory Committee

CC: Board of Supervisors of Dinwiddie County, Virginia

From: Tyler Southall, County Attorney's Office

Date: March 14, 2014

Subject: Memo re: Meeting on March 20, 2014

I. Review of Last Meeting

On January 9, 2014 at 7 p.m., the Firearms Study Advisory Committee to the Board of Supervisors of Dinwiddie County, Virginia (the "Committee") met in the Multipurpose Room of the Pamplin Building. All Committee members were present, and the meeting was open to the public. Mr. Lee, who is the Chairman of the Committee, opened the meeting, and asked for a report from Sheriff Adams. Sheriff Adams outlined public concerns arising from the discharge of firearms. Next, Commonwealth's Attorney Lisa Caruso discussed difficulties with prosecuting certain discharges of firearms under current law. Mr. Lee asked me to give a presentation on different ordinances that the Committee could choose to recommend to the Board of Supervisors if the Committee chose to make such a recommendation. An overview of that discussion, which included a general overview of the law concerning local regulation of firearms discharges, as well as options for the Committee, is provided below with a little additional detail in some places.

a. Overview

The Dillon Rule. Virginia has chosen to follow Dillon's Rule. According to the Supreme Court of Virginia, Dillon's Rule states that localities "have only those powers that are expressly granted, those necessarily or fairly implied from expressly granted powers, and those that are essential and indispensable."¹ This principle sets up a general framework between the Commonwealth of Virginia and its localities where the Commonwealth is like the "parent" and the localities are like

¹ Board of Zoning Appeals of Fairfax County vs. Board of Supervisors of Fairfax County, 276 Va. 550, 553-54.

“children”. The localities can only do what the Commonwealth allows them to do. There are a number of statutes that apply in the firearms arena that either give localities permission to regulate firearms or prohibit localities from regulating firearms.

“You Shall Not”—Instances Where the Commonwealth Forbids Local Regulation.

Virginia Code Section 15.2-915 is very clear that some types of local regulation of firearms are forbidden. Section 15.2-915 clearly states that a County cannot adopt or enforce an ordinance “governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute.” Virginia Code Section 15.2-917 states that a locality “shall [not] subject a sport shooting range to noise control standards more stringent than those in effect at [the] effective date [of the ordinance imposing the noise control standards].”²

“You May”—Instances Where the Commonwealth Allows for Local Regulation.

Virginia Code Section 15.2-1209 allows for counties to “prohibit the outdoor shooting of firearms or arrows from bows in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof.” Section 15.2-1200 is a more general enabling ordinance that allows a county to “adopt such measures as it deems expedient to secure and promote the health, safety and general welfare of its inhabitants which are not inconsistent with the general laws of the Commonwealth.” Section 15.2-1200 has often been used to support ordinances with regulations that are intended to promote ordinances concerning issues of health and safety.³

b. Options

On January 9, the following four options were presented to the Committee: (i) recommend maintaining the status quo, (ii) recommend a distance requirement pursuant to Virginia Code Section 15.2-1209, (iii) implementing a stricter “backdrop rule”, or (iv) amending the noise ordinance.

² Other instances where the Commonwealth forbids local regulation of firearms include Section 15.2-915.1, which, with certain exceptions, prohibits localities from bringing lawsuit against firearms manufacturers and Section 15.2-915.5, which prohibits localities from participating in certain firearms buyback programs, unless they have enacted an ordinance.

³ Other instances where the Commonwealth expressly allows regulation of firearms are Section 15.2-915.2 (which permits a city or county to enact an ordinance prohibiting people from transporting, possessing, or carrying a loaded shotgun or loaded rifle on any public street, road, or highway within such locality), Section 15.2-915.4 (which allows localities to prohibit the shooting of pneumatic guns and adopt certain related rules), Section 15.2-917 (which allows a locality to prohibit shooting with certain bows), Section 15.2-918 (which allows a locality to prohibit or regulate the use of air cannons, carbide cannons, or other loud explosive devices which are designed to produce high intensity sound percussions for the purpose of repelling birds). Section 15.2-1209.1 (which allows counties to adopt ordinances making it unlawful to “carry or have in his possession, for the purpose of hunting, while on any part of a public highway within such county a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking; and to provide a penalty for violation of such ordinance not to exceed a fine of \$100), and Section 15.2-1210 (which allows a county to prohibit hunting within one-half mile of heavily populated areas of the county).

(i) Maintain the Status Quo. The first option presented was to maintain the status quo. This path is straightforward and would mean that the Committee would recommend that no new ordinance be adopted.

(ii) Distance Requirement. The second option presented was to adopt some form of a distance requirement under Virginia Code Section 15.2-1209. As discussed above, Section 15.2-1209 permits counties to "prohibit the outdoor shooting of firearms or arrows from bows in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof." Counties that enact ordinances pursuant to Section 15.2-1209 often choose to protect populated areas by ordaining that firearms may not be discharged within X feet of (i) the dwelling place of another or (ii) a public building. Some counties, such as Chesterfield, Fauquier, Hanover and Suffolk, have applied their Section 15.2-1209 ordinances to the entire county, while others, such as Amherst, Greene, Stafford, Westmoreland, Henrico, Spotsylvania, James City and New Kent have applied their Section 15.2-1209 ordinances to only more densely populated parts of the county. A copy of the Section 15.2-1209 ordinances of the aforementioned counties is attached hereto as Exhibit A.⁴

Counties choosing to implement regulation under Section 15.2-1209 must provide an exception for certain killing of deer, and such exemption shall apply to firearms on agriculturally-zoned land of at least five acres and to arrows shot from bows on agriculturally-zoned land of at least two acres.

(iii) Stricter "Backdrop Rule". Currently, Dinwiddie County Code Sections 3-59 through 3-69 require as follows:

- **Violations a Class One Misdemeanor.** Section 3-59 states that violations of Sections 3-59 through 3-69 constitute a class one misdemeanor.
- **Construction Requirements.** Section 3-60: "The physical construction of any target range or shooting range in the county shall be in accordance with rules and regulations promulgated by the board of supervisors, which rules and regulations may be changed from time to time."
- **Approval Required.** Section 3-66: "It shall be unlawful for any person to construct or operate any rifle, pistol or shotgun range within the county without written approval by the county administrator."
- **Application Details.** Section 3-67: "Application for approval of target range [sic] shall be submitted to the county administrator, on forms obtained from his office."
- **Grant or denial.** Section 3-68: "The county administrator, in his discretion shall grant or deny his approval of the target range described in the application submitted under section 3-67."
- **Annual Renewal Required.** Section 3-69: "Approval for the construction or operation of a target range, if granted by the county administrator, shall be

⁴ The Board of Supervisors could also word the ordinance to invite subdivisions or areas of land to come and apply to have the distance requirement apply to them. See James City County Code Section 15-36(c).

issued for a period of 12 months and renewed, at the option of the county administrator, upon proper application as provided by this division.”

The “Stricter Backdrop Rule” option would entail providing a thorough definition of the terms “target range” and “shooting range” and spell out detailed requirements for the backdrop of such a target range or shooting range. Such requirements would have to be met in order for a “target range” or “shooting range” to be used.

Potential Drawbacks of “Stricter Background Rule” Option. A stricter backdrop rule might be underinclusive: it does not necessarily alleviate noise concerns as a backdrop may do virtually nothing to alleviate the noise associated with firearms discharges. A stricter backdrop rule might also be over-inclusive: it might apply to someone who did target shooting on their remote farm, far away from endangering anyone else.

On January 9, I noted that if the Committee decided to explore the “Stricter Background Rule” option, more research would be required.

(iv) Amend the Noise Ordinance. A full copy of Dinwiddie County’s noise ordinance is attached as **Exhibit B**. An attempt to expand the noise ordinance to cover repeated firearms discharges would encounter significant legal difficulties. Virginia courts have held that a noise ordinance must be objective rather than subjective.⁵ This means that noise ordinances must have measurable standards that constitute a violation. Thus, a noise ordinance may prohibit “noise over 70 decibels that occurs at least three times over the course of two minutes” or “noise that is plainly audible inside the confines of a dwelling place.” The problem with an objective standard in a noise ordinance aimed at decreasing noise from firearms discharges is that it would prohibit noises that were not intended to be prohibited, including firearms discharges in rural areas, far away from anyone. The Commonwealth Attorney and I agree that amending the Noise Ordinance would not be advisable.

c. Direction to Staff

Although Mr. and Mrs. Bland advocated for a regulation to prevent the discharge of firearms near people’s houses in more densely populated areas, the Committee in general expressed hesitancy about creating new regulations. The Committee also generally expressed a concern that (i) Sections 3-59 through 3-69 of the County Code were unclear about the definition of “target range or shooting range” and (ii) the discretion granted to the County Administrator in Section 3-68 was too broad. Several Committee members asked the County Attorney to prepare a repeal of Sections 3-59 through 3-69 for the Committee to recommend to the Board of Supervisors at the next meeting.

II. Discussion of Backdrop Ordinance (County Code Sections 3-59 through 3-69)

a. History of Sections 3-59 Through 3-69

⁵ See *Tanner v. City of Virginia Beach*, 674 SE 2d 848 (Va. 2009).

Sections 3-60 through 3-69 of the County Code date back to at least 1970. Sections 3-66 through 3-69 were amended in 1990. Prior to 1990, any applicant for a target range had to be approved at a Board of Supervisors meeting, and, in December 1990, the Board of Supervisors amended the ordinance to delegate the responsibility of approving target ranges to the County Administrator. The board minutes from December 1990 are brief but indicate that "[t]he Assistant County Administrator advised the Board that this change would include all target ranges, not just turkey shoots," which seems to indicate that in 1990, the definition of "target range" was a broad one.

b. Are Sections 3-59 Through 3-69 Ever Used?

At some point after 1990, it appears that applications for approval of shooting/target ranges virtually ceased. The County Administrator, Mr. Massengill, indicated that he had seen approximately two requests for applications pursuant to Sections 3-59 through 3-69 since he became County Administrator in 2006. At present, it is unclear exactly what constitutes a "shooting range or a target range." Shooting at old soda cans occasionally on the back corner of a farm might not constitute a "shooting range or target range", but a commercial shooting range certainly would constitute a "shooting range or target range". At least in part because of the lack of a clear definition of "target or shooting range," the County has made no effort to enforce the ordinance in recent years, and a violation is a class one misdemeanor. Although it is clear that a commercial target/shooting range would have to abide by Sections 3-59 through 3-69, commercial shooting ranges are not currently allowed by the Dinwiddie County Zoning Ordinance. Turkey shoots are generally required to go through a special event permit process.

c. Are Sections 3-59 Through 3-69 Permissible under the Dillon Rule?

Virginia Code Section 15.2-1200 states that "[a]ny county may adopt such measures as it deems expedient to secure and promote the health, safety and general welfare of its inhabitants which are not inconsistent with the general laws of the Commonwealth." Because County Code Sections 3-59 through 3-69 aim to secure the safety of the inhabitants of Dinwiddie County, Sections 3-59 through 3-69 are permitted by the Dillon Rule; however, if the County does decide to keep Sections 3-59 through 3-69, it should provide a more detailed definition of shooting/target range as well as specifications that have to be met in order for the County Administrator to give his approval.

III. Discussion of Action Item – Potential Recommendation for Repeal of Sections 3-59 through 3-69 to Board of Supervisors

At the January meeting, several Committee members asked that I bring back materials for the Committee to use to recommend a repeal of Sections 3-59 through 3-69 to the Board of Supervisors. Exhibit C, which is attached, includes such a recommendation. The Committee may wish to appoint someone to act as its spokesperson to the Board of Supervisors. It is important to note that although Sections 3-59 through 3-69 have not been the subject of recent enforcement, the initial intent appears to be broad (see Section II.A, above), and if they were to be repealed, then the County would no longer have the option of interpreting the language broadly and seeking to enforce it.

IV. Discussion of Alternative Path (at Request of a Committee Member)

As discussed above, in Sections I.B.iii and II.C above, the Committee has the option of recommending to the Board of Supervisors that, instead of repealing Sections 3-59 through 3-69 of the Dinwiddie County Code, Sections 3-59 through 3-69 be supplemented with a detailed definition of target/shooting range and a detailed list of requirements of what constitutes a proper backstop. I was asked by one Committee member to address four questions:

1. What is allowed under the Dillon Rule? As discussed above, I believe that the Dillon Rule allows for a "Backdrop Rule" under Section 15.2-1200.
2. What definition could be used for target range? A target/shooting range could be defined in a number of different ways, but it would need to be specific enough so that everyone can understand what is covered. One possible definition could be as something similar to the following: "Shooting Range: An area or structure (whether or not private or commercial) (i) designed or (ii) actually used for any discharge of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. Notwithstanding the foregoing, no area or structure shall be deemed a shooting range if firearms are discharged there less than [12 times per week] [would need some definition here—12 times per week is just one possibility]."
3. What regulations could be imposed on target ranges as far as a backdrop is concerned? Target/shooting ranges could be required to be constructed in accordance with the guidelines specified in The NRA Range Source Book: A Guide to Planning and Construction, which is published by the National Rifle Association.
4. Could a violation of a "Backdrop Rule" be prosecuted as a civil penalty rather than a criminal penalty? Civil penalties are only allowed in certain instances under the Code of Virginia. The only way that I am aware of that a violation of the "Backdrop Rule" could be prosecuted as a civil penalty rather than a criminal penalty is if the "Backdrop Rule" was put into the County Zoning Ordinance and the County adopted civil penalties for the zoning ordinance as set forth in Virginia Code Section 15.2-1209. Currently, the Dinwiddie County Zoning Ordinance does not allow for civil penalties, and it would have to be amended.

If the Committee were to choose to advise the Board of Supervisors to adopt additional regulations on the discharge of firearms, an additional method would be to implement the "Distance Requirement", as further described in Section I.B.ii above. This option is the most popular for counties that desire regulation of firearms discharges near occupied areas and would probably achieve the desired objective with fewer unintended consequences.

EXHIBIT A

Amherst County

Sec. 10-7. - Prohibition of the shooting of firearms in certain areas of Amherst County.

- (a) *Prohibited.* It shall be unlawful to shoot firearms in Election District 5 except as hereinafter set out in this section; the said district is more particularly described as follows:

Beginning at the confluence of William's Run Creek with the James River; thence in a northerly direction along William's Run Creek to Route 622; thence in an easterly direction on Route 622 to Route 833; thence in a northeasterly direction on Route 833 to Route 622; thence in a northerly direction on Route 622 to Route 677; thence in a northerly direction on Route 677 to Route 669; thence in a northwesterly direction on Route 669 to Route 1331; thence in a southeasterly direction on Route 1331 to its dead end; thence in a westerly direction to Route 783; thence in a northerly direction on Route 783 to Route 1341; thence in a westerly direction on Route 1341 to Route 1329; thence in a southerly direction on Route 1329 to Route 682; thence in a westerly direction on Route 682 to Route 29; thence in a southerly direction on Route 29 to Route 766; thence in a westerly direction Route 766 to Buck's Branch; thence in a southerly direction on Buck's Branch to the James River; thence in a southerly direction on the James River to William's Run Creek; the point of beginning.

- (b) *Definition.*

Firearm means any handgun, pistol, shotgun, or rifle which expels a projectile by action of an explosion.

- (c) *Exemptions.* This section shall not apply to persons shooting firearms in the lawful defense of themselves, other persons, or their property or where shooting is done by persons at a facility or event properly licensed to allow shooting. Further, this section shall not apply to the shooting of shotguns on private land where such shooting is at a distance of greater than one hundred (100) yards to the boundary of any adjoining landowner including the State of Virginia or any subdivision thereof.

- (d) *Punishment.* Each violation of this section shall constitute a class 1 misdemeanor and shall be punishable by confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both.

(Ord. of 4-7-92)

Editor's note—

An ordinance adopted Apr. 7, 1992, did not specifically amend this Code, hence inclusion as § 10-7 was at the discretion of the editor.

Berryville

Sec. 18-2. - Discharge of firearms.

- (a)

It shall be unlawful and a Class 1 misdemeanor for any person to willfully fire or discharge a gun, rifle, pistol or other firearm in the town.

- (b)

Fauquier County

*See
amending
Ord. 92*

Sec. 15-14. - Discharge of firearm within one hundred yards of occupied structure.

It shall be unlawful to discharge any firearm within one hundred (100) yards of any regularly occupied structure without advance permission of the owner or occupant.

(Ord. No. 91-10, 12-17-91; Ord. No. 11-7, 11-10-11)

Greene County

Sec. 54-1. - Discharge of firearms.

- (a) *Prohibited areas.* The discharge of firearms, air-operated or gas-operated weapons of any nature whatsoever shall be prohibited in the following areas: Locust Lane Subdivision and the adjoining R-2 zoning district in Midway Acres Subdivision, more fully described in an exhibit filed with a copy of the ordinance from which this section derives in the office of the county administrator.
- (b) *Exceptions.* No law enforcement officer in the discharge of his lawful duties nor any other person discharging a firearm within the areas described in subsection (a) of this section, in defense of persons or property as otherwise permitted by law, shall be deemed to have violated this section.
- (c) *Penalty for violation of section.* Any person violating this section shall be guilty of a Class 3 misdemeanor.
- (d) *Enforcement.* All law enforcement officers authorized to act as such within the county shall have the power to enforce this section including, but not limited to, all duly appointed and acting game wardens.

(Ord. of 3-13-90, §§ 2—5)

State law reference— Authority for above section, Code of Virginia, § 15.1-518.

Hanover

Sec. 24-4. Discharging weapons in or along roads, etc.

If any person discharges or shoots any firearm or other weapon in or along any public road or street or within one hundred (100) yards thereof or within one hundred (100) yards of any building occupied or used as a dwelling or place where the public gathers, not his own dwelling or residence, except in the lawful defense of his own person or property or that of a member of his family, he shall be guilty of a Class 1 misdemeanor.

(Code 1964, § 10-3)

Cross reference— *Penalty for Class 1 misdemeanor, § 1-11; discharging firearms at county landfill, § 18-18(1).*

State law reference— *Similar provisions, Code of Virginia, § 18.2-280; authority of county to prohibit discharge of weapons in certain areas, § 15.1-518.*

James City

- Notes

- (1) can discharge if obtain permission
- (2) Allow pellet by homeowners

Sec. 15-36. Discharge of firearms, etc., in certain areas; exceptions.

(a) It shall be unlawful for any person to discharge any firearms or pneumatic gun in the county in or within 300 feet of any dwelling, commercial building or shelter for animals, except with the prior written permission of owner or tenant, in or within 50 feet of the boundaries of any recorded subdivision, or in a manner which causes ammunition to cross such areas. (1)

(b) For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them below:

Ammunition. A cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

Commercial building. Any structure which requires the issuance of a certificate of occupancy under the Virginia Uniform Statewide Building Code and is used or is intended to be used for commerce.

Dwelling. Any structure which is designed for use for residential purposes, including, but not limited to, a mobile home.

Firearm. Any weapon in which ammunition may be used or discharged by explosion or pneumatic pressure.

Owner. One or more persons, jointly or severally, in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises.

Pneumatic gun. Any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. Pneumatic gun 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.

Recorded subdivision.

a. Any subdivision of property into two or more lots (i) which occurred after August 31, 1964; (ii) has a plat recorded in the county's circuit court clerk's office; and (iii) where the new lots created are to be used for residential or commercial purposes.

b. The following subdivisions divided prior to August 31, 1964, as shown on the map titled James City County Pre-August 1964 Subdivisions Prohibited from Discharging Firearms, dated September 20, 2011:

Belen Heights, Benel Corp, Birchwood Park, Boughsprings, Bozarth & Mahone/Mahone & Bozarth, Canterbury Hills, Chickahominy Haven, Colonial Park, Colonial Terrace, Cypress Point, D. Warren Marston, Dandridge Davenport & Piggott, Druid Hill, Eustis Terrace, Farmville Estates, First Colony, Frank Anderson, Frank Armistead, Haley & Whitehall, Harwood, Holly Brook, Holly Hill, Indigo Park, Indigo Terrace, James Terrace, James Wesley Jones (Estate), Jamestown Farms, John Henry Lee, Kingswood, Levi & Lettie Wallace, Magruder Heights, Magruder View, Marl Hills (Lakewood), Neck-O-Land Hundred, Norge, Norvalia, Poplar Hall Plantation, Powhatan Springs, Rado Banks, Raleigh Square, Riverview Plantation, Sadie Taylor, Schuyler & Troy Smith, Signor Bradby, Shellbank, Solomon Orange, Steers (Hickory Signpost), Steers (Jamestown Road), Stephens, Sycamore Landing, Temple Hall Estates, The Colony, Thomas & Hattie Kearney, Toano Terrace, Washington Jones (Estate), Winston Terrace, and Yearda Lee Smith.

c. Any subdivision where two thirds of the lot owners have petitioned the board of supervisors to be included within the boundaries of the prohibition on the discharge of firearms, and such petition has been approved by resolution.

d. Recorded subdivision shall not include property divided pursuant to family subdivision, condemnation, or other board of supervisors' approved subdivision of property.

Shelter for animals. Any building designed or intended for the shelter, housing or enclosure of any animals, livestock or poultry.

Tenant. A person entitled under a rental agreement to occupy a dwelling to the exclusion of others.

(c) It shall be unlawful for any person to discharge a rifle, shotgun rifled slug or muzzle-loading rifle (except a rifle .22 caliber or smaller, a muzzle-loading rifle .36 caliber or smaller, or a shotgun) anywhere in the county unless such person is on a stand elevated at least ten feet above the ground. This paragraph shall not apply to any person discharging a rifle in a permitted area to hunt groundhogs on land zoned A-1, General Agricultural District, between March 1 and September 1.

(d) The prohibition contained in this section shall not apply to the following:

- (1) The discharge of firearms in a private basement, cellar or target range, provided that such target range has sufficient background or backstop to ensure that ammunition will not travel more than 300 feet beyond the target range.
- (2) The discharge of weapons in defense of one's life or to kill any dangerous animal.

- (3) The discharge of weapons by any duly authorized peace officer, law enforcement official or military personnel acting in the performance of his duties.
- (4) The discharge of a weapon by any person participating in a hunt for which a permit or management plan for controlled wildlife reduction has been issued or developed by the Virginia Department of Game and Inland Fisheries; such hunt shall also be approved by the James City County Chief of Police, who shall review the action plan for such a hunt to provide for the health, safety and welfare of residents and participants. Such review shall include, but not be limited to, the area in which the weapons may be discharged; the caliber of the weapons to be used; measures to be implemented to keep nonparticipants in the hunt from entering the area; the number of participants; and the days and hours of such a hunt.
- (5) The use of pneumatic guns (i) at facilities approved for shooting ranges; (ii) on property where firearms may be discharged; and (iii) on or within 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.

(e) It shall be unlawful for any minor under the age of 16 to use a pneumatic gun on private or public property unless such minor is under the supervision of a parent, guardian, or other adult supervisor approved by a parent or guardian of such minor. Minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun on private property with the consent of the owner. Any minor, 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.

(f) Pneumatic gun offenses shall be punishable as a Class 3 misdemeanor.
(Ord. No. 79, 5-13-74; Ord. No. 56A-6, 3-4-91; Ord. No. 56A-7, 12-6-93; Ord. No. 56A-8, 8-1-94; Ord. No. 56A-14, 9-11-07; Ord. No. 56A-18, 9-27-11)

State law references-General powers of counties, Code of Va., § 15.2-1200; shooting of firearms, or arrows from bows, in certain areas prohibited, Code of Va., § 15.2-1209; hunting in certain areas prohibited, Code of Va., § 15.2-1210; regulation of pneumatic guns, Code of Va., § 15.2-915.4; regulation of compound bows, crossbows, longbows, and recurve bows, Code of Va., § 15.2-916.

Sec. 15-37. Guest register generally.

(a) Every person conducting any lodging place in the county shall at all times keep and maintain therein a guest register, in which shall be inscribed, electronically, or with indelible ink, the name and home address of each guest or person renting or occupying a room or camping space therein, as well as the guest's vehicle description and license plate information. Such register shall be signed by the person renting a room or camping space, or by someone signing by his or her authority or the person's identity is electronically verified. The proprietor of such lodging place, or his or her agent, shall thereupon enter or write, electronically, or with indelible ink, opposite such name so registered, the number of each room or camping space assigned to and occupied by such guest, together with the date(s) when such room or camping space is rented. Until all of the aforesaid entries have been made in such register, no guest shall be suffered or permitted to occupy any room in such lodging place. When the occupant of a room or camping space so rented vacates and surrenders the same, it shall be the duty of the proprietor of the lodging place, or his or her agent, to maintain for one year, a record of the date(s) when such room or camping space was vacated and surrendered.

(b) The register required by this section shall be subject to inspection at any and all reasonable times by any public safety officer in the performance of his or her duties.

New Kent County

Sec. 46-221. - Discharge of firearms in residential subdivisions.

It shall be unlawful for any person to shoot or discharge any pistol, gun, rifle or firearm of any kind, except in the lawful defense of his person or property in any residential area in the county; provided, however, that this section shall not apply to any member of the armed forces of the United States or this state or to any law enforcement officer while lawfully acting in the performance of official duty.

(Code 1999, § 12-42)

Cross reference— *Subdivisions, ch. 90.*

State law reference— *Willfully discharging firearms in public places, Code of Virginia, § 18.2-280.*

Spotsylvania County

Sec. 14-8. - Discharging firearm in subdivision.

It shall be unlawful and a Class 1 misdemeanor for any person to discharge or shoot any firearm in any subdivision of the county. This section shall not apply to law enforcement officers, animal wardens or to any person acting in defense of his or another's person or property.

(Code 1980, § 12-7; Ord. No. 14-15, 10-11-11)

Editor's note—

Ord. No. 14-15, adopted October 11, 2011, changed the title of section 14-8 from "Discharging firearm or gas or air gun in subdivision" to "Discharging firearm in subdivision." The historical notation has been preserved for reference purposes.

Cross reference— *Penalty for Class 1 misdemeanor, § 1-11; subdivisions, Ch. 20.*

State law reference— *Authority for above section, Code of Virginia, § 15.1-518.*

Sec. 14-10. - Same—Discharging firearms or shooting arrows from bows.

- (a) No person shall discharge any firearm within the county within 600 feet of a (i) dwelling of another; (ii) business establishment; (iii) public building; (iv) public gathering; or (v) public meeting place.
- (b) As to firearms, this section shall not apply to a (i) law-enforcement officer in the performance of his official duties; (ii) any person whose discharge of a firearm is justifiable or excusable at law in the protection of life or property; (iii) the discharge, on land of at least five acres that is zoned for agricultural use, of a firearm for the killing of deer pursuant to Code of Virginia, § 29.1-529; (iv) the discharge of a firearm that is otherwise specifically authorized by law; (v) the discharge of black powder firearms using blanks as part of historical re-enactments, historical living history programs and historical demonstrations; (vi) the discharge of starter blank weapons to initiate athletic competitions; or (vii) ceremonial and patriotic displays.
- (c) Except for target shooting, no person shall shoot an arrow from any bow within the county within 150 feet of a (i) business establishment; (ii) public building; (iii) public gathering; (iv) public meeting place; or (v) dwelling of another, except that the 150-foot limitation shall not apply if the dwelling owner or occupant has given permission.
- (d) As to shooting arrows from bows, this section shall not apply to shooting an arrow from a bow for the killing of deer pursuant to Code of Virginia § 29.1-529 on land of at least two acres that is zoned for agricultural use.
- (e) For purposes of this section, *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 that have a peak draw of less than ten pounds or that 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.
- (f) Any person violating the provisions of this section shall be punishable by a fine of not more than \$1,000.00.

(Code 1978, § 15.1-22.3; Ord. of 9-21-05(1), § 1; Ord. of 12-13-06(2), § 1; Ord. of 2-24-10(2), § 1)

State law reference— Authority of county to adopt this section, Code of Virginia, § 15.2-1209.

Editor's note—

Ord. of 2-24-10(2), § 1, amended § 14-10 title to read as herein set out. Former § 14-10 title pertained to similar subject matter.

Stafford County

Sec. 26-17. - Prohibited shooting.

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.

(Ord. No. 085-18, § 27-10, 5-7-85)

Sec. 26-18. - Designation of shooting-prohibited areas.

(a)

Generally. The following areas in Stafford County shall be designated as shooting-prohibited areas, subject to the prohibitions contained in section 26-17

(1)

Lake Arrowhead: Beginning at the intersection of Garrisonville Road (State Route 610) and Lake Arrowhead Drive; thence southerly along Lake Arrowhead Drive to its intersection with Hillcrest Drive; thence southerly along Hillcrest Drive to its intersection with Van Horn Lane; thence easterly along Van Horn Lane to its intersection with Forest Drive; thence southerly along Forest Drive to Beech Drive; thence westerly along Beech Drive to its intersection with Boundry Drive; thence westerly along Boundry Drive to its intersection with Lake View Drive; thence northeasterly along Lake View Drive to its intersection with Arrowhead Drive. This zone includes all roads which are interior to Lake Arrowhead Subdivision.

(2)

Garrisonville: Beginning at the intersection of Austin Run and I-95; thence northerly along I-95 to Aquia Creek; thence westerly along Aquia Creek to its intersection with Joshua Road (State Route 643); thence southerly along Joshua Road to its intersection with Garrisonville Road (State Route 610); thence westerly along Garrisonville Road to its intersection with Joshua Road; thence southerly along Joshua Road to its intersection with Saint George's Drive; thence southwesterly along Saint George's Drive crossing an unnamed creek to Choptank Road; thence southerly along Choptank Road to Mountain View Road (State Route 627); thence southeasterly along Mountain View Road to Shelton Shop Road (State Route 648); thence northeasterly to Winding Creek Road (State Route 628); thence southeasterly along Winding Creek Road to Austin Run; thence easterly along Austin Run to I-95.

(3)

Aquia: Beginning at I-95 and Aquia Creek; thence easterly along Aquia Creek to its intersection with Jefferson Davis Highway (U.S. Route 1); thence northeasterly along Jefferson Davis Highway to its intersection with Telegraph Road (S.R. 637); thence northeasterly along Telegraph Road until its intersection with an unnamed tributary to Aquia Creek; thence easterly along unnamed tributary to its intersection with a straight line extending in a northwesterly direction from Bosun Cove; then southeasterly along said line and Bosun Cove until its intersection with Harpoon Drive; thence southeasterly along Harpoon Drive to Beacon Cove; thence southerly along Beacon Cove back to its intersection with Harpoon Drive; thence southerly along Harpoon Drive to its intersection with Lighthouse Cove and Bulkhead

Cove back to their intersection with Harpoon Drive; thence southwesterly along Harpoon Drive to its intersection with Titanic Drive; thence southeasterly along Titanic Drive to Aquia Creek; thence easterly along Aquia Creek to the RF&P Railroad track; thence southeasterly along the RF&P Railroad track to Courthouse Road (S.R. 630); thence westerly along Courthouse Road to I-95; thence northerly along I-95 to Aquia Creek. This shooting-prohibited area includes all roads interior to Aquia Harbour Subdivision.

(4)

South Stafford: Beginning at I-95 and Warrenton Road (State Route 17); thence easterly along Warrenton Road to Musselman Road; thence southerly along Musselman Road to Steely Lane; thence easterly along Steely Lane to Old Forge Drive; thence northerly along Old Forge Drive to Warrenton Road; thence easterly along Warrenton Road to its intersection with Lendall Lane; thence southerly along Lendall Lane to its intersection with Ingleside Drive; thence westerly and easterly along Ingleside Drive; thence easterly along Ingleside Drive to its intersection with Washington Street; thence easterly along Washington Street to River Road; thence easterly along River Road to Kings Highway (State Route 3); thence easterly along Kings Highway to Leonard Street; thence southerly along Leonard Street to Mimosa Street; thence easterly along Mimosa Street to Rumford Road; thence northerly along Rumford Road to Kings Highway; thence easterly along Kings Highway to a stream leading from Lake Carroll; thence northerly along said stream to Lake Shore Drive; thence northerly along Lake Shore Drive to Carroll Circle; thence easterly from Carroll Circle to Ashbury Drive (inclusive of all the streets within Briarwood Estates Subdivision); thence easterly along Ashbury Drive to its intersection with Colebrook Road (State Route 682); thence westerly along Colebrook Road to its intersection with Ferry Road (State Route 606); thence westerly along the south side of Ferry Road to its intersection with Braddock Drive; thence northerly along Braddock Drive to Claiborne Run; thence northeasterly along Claiborne Run to its intersection with Town and Country Drive; thence northerly along Town and Country Drive to its intersection with White Oak Road (State Route 218); thence easterly along White Oak Road to Kendallwood Drive; thence northerly along Kendallwood Drive to its intersection with Karen Terrace; thence westerly along Karen Terrace to its intersection with Sebastian Road; thence northerly and southerly along Sebastian Road (all inclusive of Sebastian Road) to its intersection with Matthew Lane; thence easterly along Matthew Lane to its intersection with Kendallwood Drive; thence southerly along Kendallwood Drive to its intersection with White Oak Road; thence westerly along White Oak Road to its intersection with Little Whim Road (State Route 669); thence northerly along Little Whim Road to its intersection with Roger Street; thence westerly along Roger Street to its intersection with Edwards Drive; thence northerly along Edwards Drive to its intersection with Deacon Road; thence westerly along Deacon Road to its intersection with Leeland Road (State Route 626); thence northerly along Leeland Road to its intersection with Morton Road (State Route 624); thence westerly along Morton Road to its intersection with Forbes Street (State Route 627); thence southerly along Forbes Street to its intersection with Manning Drive (State Route 1005); thence westerly along Manning Drive to its intersection with Jefferson Davis Highway (U.S. Route 1); thence southerly along Jefferson Davis Highway to Warrenton Road; thence westerly along Warrenton Road to its intersection with I-95.

(5)

Widewater: Beginning at Aquia Creek and the RF&P Railway; thence northeasterly along the RF&P Railway to railroad Mile Marker 73; thence in an easterly direction to the Potomac River; thence south along the bank of the Potomac River to Brent Point; thence westerly along the bank of the Potomac River to Simms Point; thence north and northwesterly along the bank of Aquia Creek to the RF&P Railway.

(b)

Contiguous areas. Upon an individual request by the owner(s) of a parcel contiguous to any shooting-prohibited area, or upon a joint request by the owner(s) of all of the parcels which taken as a whole would be contiguous to any shooting-prohibited area, the board of supervisors shall consider the expansion of the shooting-prohibited area to include such land. Such land shall not be included until a public hearing is held.

(c)

Neighboring but not contiguous property. Upon petition by the owner or owners of fifty (50) or more parcels of neighboring but not necessarily adjoining land, the board of supervisors shall annually consider the establishment of additional shooting-prohibited areas if the following criteria are met:

(1)

The new shooting-prohibited area is favored by fifty-five (55) percent or more of the owners of the individual parcels to be incorporated;

(2)

The shooting-prohibited area is favored by the owners of fifty-five (55) percent or more of the total acreage in such area;

(3)

The proposed shooting-prohibited area is sufficiently defined by name or boundaries to be identifiable by the public; and

(4)

The failure to create a shooting-prohibited area would permit conduct that is dangerous to the inhabitants of the area.

No area shall be designated as a shooting-prohibited area under this subsection until a public hearing is held.

(Ord. No. 085-18, § 27-11, 5-7-85; Ord. No. 089-36(R), 8-1-89; Ord. No. 091-77(R), 12-10-91; Ord. No. 095-13, 3-7-95; Ord. No. 004-09, 5-4-04)

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 any police or law enforcement department.

(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 duly authorized peace officer or law enforcement official acting in the proper performance of his duties.
- (6) The discharge of blank cartridges in theatrical performances or sporting events, or the firing of blank cartridge salutes at military funerals or other military affairs.
- (7) The discharge of firearms at a licensed and regularly scheduled "turkey shoot."
- (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.

(Ord. No. 085-18, § 27-12, 5-7-85; Ord. No. 089-36(R), 8-1-89; Ord. No. 003-36, 6-17-03)

Sec. 26-20. - Penalties.

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.

(Ord. No. 085-18, § 27-13, 5-7-85)

Suffolk

Sec. 54-122. - Discharge.

(a)

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Densely populated area means an area extending 200 yards from the exterior boundaries of any five or more parcels or tracts, each one of which is adjacent to at least one other, each parcel or tract being one acre or less in area, and which parcels or tracts each contain a structure designed for human use.

(b)

Prohibited. It shall be unlawful and constitute a class 3 misdemeanor, punishable as provided in subsection 1-14(1), for any person to:

(1)

Discharge a firearm or air gun of .177 caliber or larger:

a.

Within any densely populated area;

b.

Within 200 yards from any structure owned by another and used for human occupancy or for business purposes, or for the storage of personal property, including, but not limited to, structures used for the housing of livestock or for other agricultural accessory storage uses, without permission of the owner;

c.

Within 100 yards from any public street, secondary road or highway within the city, except on a permitted firing range; or

d.

At or upon the property of another without permission.

(2)

Shoot a longbow, compound bow, crossbow or air gun at or upon the property of another without permission.

(3)

Use of a rifle to hunt bear or deer except from a stand located at least 15 feet in elevation above the ground; provided, however, that the requirement that the use of a rifle be from a stand located at least 15 feet in elevation above the ground shall be expressly inapplicable to all legally handicapped persons.

(c)

Exceptions. The provisions of this section shall not be applicable to:

(1)

Law enforcement officers engaged in the lawful performance of their duties as such, nor shall they be applicable in any situation in which the discharge of a weapon is necessary for the preservation or protection of human life or property.

(2)

The use of muzzle-loading rifles during the prescribed open seasons for the hunting of game species is permitted in the city; provided, however, that the use of such muzzle-loading rifle shall be only from a stand located at least ten feet in elevation above the ground; provided, however, that the

requirement that the use of such muzzle-loading rifle be from a stand located at least ten feet in elevation above the ground shall be expressly inapplicable to all legally handicapped persons.

(3)

The killing of deer pursuant to Code of Virginia, § 29.1-529, on parcels of five acres or more in the agricultural zoning district.

Ord. No. 64-93, § 18-15, 9-1-1993; Ord. No. 86-01, 7-18-2001; Ord. No. 09-O-046, 9-2-2009; Ord. No. 10-O-33, 4-21-2010)

State law reference— Authority to adopt, Code of Virginia, § 15.2-1113.

Westmoreland County

Sec. 30-1. Shooting firearms or gas-operated or air-operated weapons in certain areas.

(a)

The shooting of firearms or air-operated or gas-operated weapons in the areas in the county designated below is considered dangerous to the inhabitants thereof and is hereby prohibited:

(1)

Stratford Harbour Subdivision.

(2)

Potomac Shores Subdivision and within 100 yards thereof, except that the 100-yard buffer zone shall not extend beyond a line 50 yards from the tidal waters of Mattox Creek.

(3)

Westmoreland Shores Subdivision and within 100 yards thereof.

(4)

Brewington Subdivision and within 100 yards thereof.

(5)

McKenney Subdivision and within 100 yards thereof.

(6)

H. Bryan Jett Estates Subdivision and within 100 yards thereof.

(7)

Monroe Bay Estates Subdivision and within 100 yards thereof.

(8)

Property of Curley Packing Company identified as that land bounded on all sides by State Route #658, adjoining Monroe Bay Estates Subdivision, including Monroe Bay Campgrounds and Monroe Bay Trailer Park and within 100 yards thereof.

(9)

Placid Bay Estates Subdivision and within 50 yards thereof.

(10)

Drum Bay Estates Subdivision.

(11)

Waterview Subdivision.

(b)

This section shall not prohibit shooting by any individual in the lawful protection of his life or property or by any law enforcement officer in the performance of his assigned duties.

(c)

The firing of firearms for the killing of deer pursuant to Code of Virginia, § 29.1-529 on land of at least five acres that is zoned for agricultural use shall be exempt from the prohibitions of this section.

(d)

Any person who shall violate any provision of this section shall be guilty of a class 1 misdemeanor.

(Code 1988, § 11-1)

Cross reference— Penalty for class 1 misdemeanor, § 1-16.

State law reference— Authority for above section, Code of Virginia, § 15.2-1209.

EXHIBIT B

Sec. 15-1. Prohibited noise.

(a)

It shall be unlawful for any person, in all areas of the county, (1) between the hours of 12:01 a.m. and 7:00 a.m. on Saturday and Sunday mornings, January 1, the fourth Monday in May, July 4, the first Monday in September, the fourth Thursday in November, and December 25, and (2) between the hours of 10:01 p.m. and 7:00 a.m., beginning Sunday, Monday, Tuesday, Wednesday, and Thursday nights (except for those six days specifically identified in (1) above):

(1)

To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is plainly audible (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at 100 or more feet from the device, except for devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.

(2)

To allow noise that is plainly audible inside the confines of the dwelling unit, house or apartment of another person.

(b)

It shall be unlawful for any person, between the hours of 10:01 p.m. and 5:00 a.m. on each day of the week, in residential areas of the county, to create plainly audible noise in connection with the loading or unloading of refuse, waste or recycling collection vehicles.

(c)

It shall be unlawful for any person, between the hours of 10:01 p.m. and 7:00 a.m. on each day of the week, in residential areas of the county, to create plainly audible noise in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping or lawn activities.

(d)

It shall be unlawful for any person, at any time on any day of the week:

(1)

In all areas of the county except for those zoned agricultural and rural residential, to allow any animal or bird except farm animals (as such term is defined in Section 58.1-3505 of the Code of Virginia, 1950, as amended) to create noise such that it is plainly audible at least once a minute for ten

consecutive minutes (i) inside the confines of the dwelling unit, house or apartment of another, or (ii) at 100 or more feet from the animal or bird.

(2)

In all areas of the county, to operate, install, have or permit on the outside of any store, shop, business establishment, warehouse or commercial building, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tapes or voice in such manner that it is plainly audible on any public sidewalk or street unless it is used only intermittently for announcing or paging an individual or unless it signals the ringing of a telephone, danger from smoke, a fire or a burglary or the beginning or stopping of work or school, or unless it is operated in accordance with conditions of zoning.

(3)

In all areas of the county, to play or permit the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is plainly audible from outside the motor vehicle at a distance of 100 feet or more from the vehicle. This subsection shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

(e)

Violations of this section shall constitute a misdemeanor punishable by a fine of not less than \$0.00 nor more than \$500.00.

(Ord. of 2-17-82; Ord. of 3-16-10, § 1)

Cross reference— *Penalty for Class 1 misdemeanor, § 1-11; statement as to noise control required for outdoor musical or entertainment festivals, § 3-29(10); animals and fowl generally, Ch. 4.*

Sec. 15-1.5. Exemptions from prohibited noises.

The following noises shall be exempt from Dinwiddie County Code Section 15-1:

(a)

Noises made in connection with any threat to public safety or any response to such threat. Noises made by fire alarms, burglar alarms, and car alarms are exempt only for a reasonable period of time after the owner of the premises responsible for the alarm, or a party designated as the responsible party for the alarm, receives notice of the sounding of the alarm.

(b)

Noises made by the operation of motor vehicles (but not including music emanating therefrom), locomotives and other railway equipment, and

airplanes and other aviation equipment, as well as noise made in connection with constructing or maintaining roads, highways, railroad tracks, or other means of travel.

(c)

Noises made in connection with events authorized, sanctioned or sponsored by a political subdivision of the Commonwealth of Virginia, including but not limited to publicly authorized, sanctioned or sponsored parades, fireworks, festivals, athletic events, special events, and events held in compliance with a valid county special event permit.

(d)

Noises made in connection with events authorized by, sponsored by, or occurring at public or private schools in the county, including but not limited to athletic, musical or theatrical events or practices.

(e)

Noises made in connection with a religious service or event, including but not limited to singing, bells, chimes, pianos, organs, and other musical instruments.

(f)

Noises made in connection with normal commercial, industrial, or agricultural operations of a person or entity, subject to compliance with all applicable federal, state and local laws, regulations, and permits.

(g)

Noises authorized by federal or state law or which are regulated by federal or state law, including but not limited to noise made in connection with federal or state military activity.

(Ord. of 3-16-10, § 1)

EXHIBIT C

**THE RECOMMENDATION OF THE FIREARMS STUDY ADVISORY COMMITTEE
TO THE BOARD OF SUPERVISORS OF DINWIDDIE COUNTY, VIRGINIA**

BE IT THEREFORE RECOMMENDED to the Board of Supervisors of Dinwiddie County that an ordinance to repeal Dinwiddie County Code Sections 3-59 through 3-69 be approved as follows:

**AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,
BY AMENDING CHAPTER 3, AMUSEMENTS, ARTICLE IV. TARGET RANGES,
SECTION 3-59, VIOLATIONS OF ARTICLE, SECTION 3-60 CONSTRUCTION
REQUIREMENTS, SECTION 3-66 REQUIRED, SECTION 3-67, APPLICATION,
SECTION 3-68, GRANT OR DENIAL, AND SECTION 3-69, TERM; RENEWAL**

BE IT ORDAINED by the Board of Supervisors of Dinwiddie County:

(1) That the Code of the County of Dinwiddie, 1985, as amended, is amended by deleting the language shown in strikethrough:

~~Sec. 3-59. Violations of article.~~

~~Unless otherwise specifically provided, a violation of any provision of this article or any rule or regulation adopted pursuant to this article shall constitute a Class 1 misdemeanor.~~

~~Cross reference—Penalty for Class 1 misdemeanor, § 1-11.~~

~~Sec. 3-60. Construction requirements.~~

~~The physical construction of any target range or shooting range in the county shall be in accordance with rules and regulations promulgated by the board of supervisors, which rules and regulations may be changed from time to time.~~

~~(Code 1970, § 14-5)~~

~~Cross reference—Building regulations generally, Ch. 6.~~

~~Sec. 3-66. Required.~~

~~It shall be unlawful for any person to construct or operate any rifle, pistol or shotgun range within the county without written approval by the county administrator.~~

~~(Code 1970, § 14-1; Ord. of 12-19-90)~~

~~Sec. 3-67. Application.~~

~~Application for approval of target range shall be submitted to the county administrator, on forms obtained from his office.~~

~~(Code 1970, § 14-2; Ord. of 12-19-90)~~

~~Sec. 3-68. Grant or denial.~~

~~The county administrator, in his discretion shall grant or deny his approval of the target range described in the application submitted under section 3-67.~~

~~(Code 1970, § 14-3; Ord. of 12-19-90)~~

~~Sec. 3-69. Term; renewal.~~

~~Approval for the construction or operation of a target range, if granted by the county administrator, shall be issued for a period of 12 months and renewed, at the option of the county administrator, upon proper application as provided by this division.~~

~~(Code 1970, § 14-4; Ord. of 12-19-90)~~

(2) *That this ordinance shall become effective immediately.*