



August 25, 2020

To the Honorable Council
City of Norfolk, Virginia

Item Number: R-12

Re: Firearms in City Owned or Controlled Public Places

Dear Ladies and Gentlemen:

Attached is an ordinance amending the City Code to prohibit the possession, carrying, or transportation of any firearms, ammunition, or combination thereof in public buildings, public parks and outdoor recreational facilities, public recreation or community center facilities, and public streets, sidewalks or public rights-of-way and other places owned, operated, used, or controlled by the City of Norfolk as authorized by the General Assembly.

Respectfully,

A handwritten signature in black ink, appearing to read "BAPishko".

Bernard A. Pishko
City Attorney

BAP:lm
Attachment

Form and Correctness Approved: *BAP*

Contents Approved:



By: _____
Office of the City Attorney

By: _____
DEPT. City Attorney's Office

NORFOLK, VIRGINIA

Ordinance No.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 47 OF THE NORFOLK CITY CODE, 1979, SO AS TO ADD A NEW ARTICLE III ENTITLED "FIREARMS".

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Chapter 47 of the Norfolk City Code, 1979, is hereby amended and reordained to add Article III as follows:

ARTICLE III. - FIREARMS

Sec. 47-30. Definitions.

(a) Generally. For the purposes of this chapter, certain words and phrases shall have the meanings ascribed to them by this section. The intent of this chapter is to prohibit the possession, carrying, or transportation of any firearms, ammunition, or combination thereof in public buildings; public parks and outdoor recreational facilities; public recreation or community center facilities; and public streets, roads, alleys, or sidewalks or public rights-of-way and other places of whatever nature owned, operated, used, or controlled by the City of Norfolk as authorized by the General Assembly.

(b) Public building. A "public building" includes any building, or part thereof, owned or used by the City of Norfolk, or by any authority or local governmental entity created or controlled by the City of Norfolk, for governmental purposes, either on a permanent or temporary basis, including but not limited to voting places during the conduct of elections.

(c) Public park. A "public park" is a park; playground; beach; outdoor pool; marina, docking, or launching facility for boats or other watercraft; or trail owned or operated by the City of Norfolk, or by any authority or local governmental entity created or controlled by the City of Norfolk, where members of the public are entertained and diverted, either by their own activities or by the activities of others. "Public park" includes but is not limited to all parks and recreational areas identified in the Norfolk City Code or under the operation and control of the department of recreation, parks, and open space; playground and open space areas of public schools under the maintenance and control of the department of recreation, parks and open space; the Norfolk Botanical Gardens; and the Virginia Zoo.

(d) Recreation or community center facility. "Recreation or community center facility" means any building, structure, or area owned, operated, or controlled by the City of Norfolk, or by any authority or local governmental entity created or controlled by the City of Norfolk where members of the public are entertained and diverted, either by their own activities or by the activities of others. "Recreation or community center facility" includes but is not limited to recreation and community centers, buildings and structures under the operation and control of the department of recreation, parks and open space; theaters, arenas, amphitheaters, or other buildings, structures, or areas permanently or temporarily under the operation and control of the department of cultural facilities, arts and entertainment; the National Maritime Center; the Norfolk Botanical Gardens; and the Virginia Zoo.

(e) Event area. "Event area" means a public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit pursuant to Sec. 29-67.1 of the Norfolk City Code.

(f) Entrance. "Entrance" means the location or locations at which members of the public, employees, or other persons lawfully enter, access, or exit a public building, public park, recreation or community center facility, or event area and where rules, regulations, prohibitions, and other information

concerning access, hours of operation, permissive use, and other information about the building, park, recreation or community center facility, or event area is posted.

Sec. 47-31. Possession, Carrying, or Transportation of Firearms

No person shall possess, carry, or transport any firearm, ammunition, or components or combinations thereof (a) in any public building, (b) in any public park, (c) in any recreation or community center facility or (d) in any event area; provided that such area has been marked with signage describing the provisions of this article posted at all entrances to each such public building, public park, recreation or community center facility, or event area.

Sec. 47-32. Exemptions from Article

Nothing in this article shall apply to any of the following:

- (a) Any law enforcement officer, as defined in Section 9.1-101 of the Code of Virginia, acting within the scope of his duties; any federal law enforcement officer, as defined in Section 1515 of Title Eighteen of the U.S. Code, acting within the scope of his duties; or any law enforcement officer of another state or sovereign entity acting within the scope of his duties and pursuant to a mutual aid agreement or other authorization to act as a law enforcement officer within the Commonwealth of Virginia;
- (b) Any member of the armed forces of the United States while in uniform and in the performance of their official duties;
- (c) Any member of the armed forces of a foreign nation while in uniform and in the performance of official duties related to an official visit or delegation;
- (d) Any member of a junior reserve officer training corps or reserve officer training corps while in uniform and under the supervision of a member of the armed forces of the United States;
- (e) Any person possessing, carrying, or transporting a firearm, ammunition, or components or combinations thereof in the course of a permitted, contracted, or otherwise authorized theatrical performance, historical demonstration,

or other educational or cultural activity and where the firearm, ammunition, components, or combinations thereof are not equipped to expel a projectile by the action of an explosion of a combustible material;

- (f) Any person lawfully in possession of firearms, ammunition, components, or combinations thereof that are locked in a privately owned motor vehicle or boat while the privately owned vehicle or boat is in either a public parking garage or the designated parking, transport, or launching area of a public park, recreational or community center facility, or event area.

Sec. 47-33. Violations of Article

Any person violating any provision of this article shall be guilty of a Class 1 misdemeanor.

Section 2:- That the City Manager shall do all things necessary, including but not limited to instituting additional security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or event areas by a person with any firearms, ammunition, or components or combination thereof in violation of this article.

Section 3:- That the City Manager shall post notice of the provisions of this Ordinance at the entrances to each such public building, public park, recreation or community center facility, or event area.

Section 4:- That any provision of this ordinance that is held by a court of competent jurisdiction to be prohibited, void, unconstitutional, or unenforceable under the laws of the Commonwealth of Virginia or the United States of America shall be ineffective to the extent so held, and that the remaining provisions of this ordinance shall remain in full force and effect.

Section 5:- That this ordinance shall be in effect from and after its date of adoption.