

MOTION:

**January 13, 2015
Regular Meeting
Ord. No. 15-**

SECOND:

**RE: AMEND SECTIONS 31-23, 31-40, 31-41 AND 31-42 OF THE PRINCE
WILLIAM COUNTY CODE CONCERNING THE SHOOTING OF
ARROWS FROM BOWS**

ACTION:

WHEREAS, Section 31-23 of the Prince William County Code currently provides that it shall be unlawful to shoot or hunt within 100 yards of any regularly-occupied structure without advance permission of the owner or occupant, subject to certain exceptions; and

WHEREAS, it is the opinion of the Commonwealth's Attorney and the County's Chief of Police that Section 31-23 applies to bows, as well as to conventional firearms; and

WHEREAS, Section 31-23 is authorized by Section 15.2-1209 VA Code Ann., and Section 15.2-1209 allows the County to prohibit the 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; and

WHEREAS, it is the opinion of the Prince William Board of County Supervisors that the shooting of bows, as well as firearms, within 100 yards of any regularly-occupied structure is dangerous to the inhabitants thereof, without the advance permission of the owner or occupant; and

WHEREAS, Sections 31-23, 31-40, 31-41 and 31-42 should be clarified by adding language identifying bows, as well as firearms, to specify those mechanisms addressed by 31-23; and

WHEREAS, Sections 31-41 and 31-42 should be clarified to specify those limitations and exceptions applicable to the shooting or discharge of bows; and

WHEREAS, a public hearing, duly advertised was conducted on this date for the purpose of considering adoption of the proposed amendments to Sections 31-23, 31-40, 31-41 and 31-42 of the Prince William County Code; and

WHEREAS, the Prince William Board of County Supervisors finds it appropriate and in the public interest to adopt these amendments;

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Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

ATTACHMENT: Proposed Amendments to Sections 31-23, 31-40, 31-41 and 31-42 of the
Prince William County Code

For Information:

Commonwealth's Attorney

Police Chief

County Attorney

ATTEST: _____
Clerk to the Board

Prince William County Weapons Control Committee

ATTACHMENT - Proposed modification by the Weapons Control Committee for Chapter 31 of the Prince William County Ordinance

ARTICLE II. FIREARMS CONTROL

Sec. 31-23. One hundred-yard safety zone.

It shall be unlawful to shoot a firearm ~~or hunt~~ within 100 yards of any regularly occupied structure without advance permission of the owner or occupant, subject to the exceptions below.

ARTICLE III. ~~BOW COMPOUND AND CROSSBOW~~ CONTROL

Sec. 31-40. Definitions

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them thereby, unless the context clearly requires a different meaning:

Bow shall mean any compound bow, crossbow, longbow or recurve bow having a peak draw weight of ten pounds or more. The term "bow" does not include bows which have a peak draw weight of less than ten pounds or which are designed or intended to be used principally as toys. Arrow shall mean a shaft-like projectile intended to be shot from a bow.

~~Compound bow shall mean a bow made of strips of wood, metal or other flexible material with a cord and cables that connect the two ends through a series of wheels and pulleys so as to hold the strips bent in an arc under tension, and used to propel an arrow by knocking the arrow on the string and drawing it back against the tension so that upon release it is propelled through the air. Crossbow shall mean any bow that can be mechanically held in the drawn or cocked position.~~

Sec. 31-41. Limitations on use of bows ~~compound bows or crossbows.~~

- (a) It shall be unlawful for any person to **discharge an arrow from a bow across or which may land on** shoot a compound bow or crossbow at or upon the property of another without permission of the owner or occupant of such property.
- (b) It shall be unlawful for any person to discharge an arrow from a bow across or which may land upon any public right-of-way, or any public street or highway.**
- (c) It shall be unlawful to discharge an arrow from a bow within 100 feet of any regularly occupied structure without advance permission of the owner or occupant.**
- (d) A violation of this section shall be a misdemeanor and upon conviction, shall be punished by a fine of not more than \$500.00.

Sec. 31-42. Same – Exceptions.

It shall be lawful to discharge arrows from bows for the killing of deer pursuant to the Code of Virginia § 29.1-529, provided that the discharge occurs on a parcel of land that is at least two acres in area and zoned for agricultural use.



Melissa S. Peacor
County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT


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BOARD OF COUNTY SUPERVISORS

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Michael C. May, Vice Chairman
Maureen S. Caddigan
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John D. Jenkins
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December 26, 2014

TO: Board of County Supervisors

FROM: Stephan M. Hudson
Chief of Police 

THRU: Melissa S. Peacor
County Executive

RE: Amend Sections 31-23, 31-40, 31-41 and 31-42 of the Prince William County Code Concerning the Shooting of Arrows from Bows

I. Background in chronological order is:

- A. Code Definition - Section 31-23 of the Prince William County Code currently provides that it shall be unlawful to shoot or hunt within 100 yards of any regularly occupied structure without advance permission of the owner or occupant, subject to certain exceptions.
- B. Commonwealth's Attorney Opinion - It is the opinion of the Commonwealth's Attorney and the Prince William County Chief of Police that Section 31-23 applies to bows, as well as to conventional firearms.
- C. Prior Action - A public hearing on this matter was originally held in March 2014. The matter was referred to the Farm Bureau and the Weapons Control Board for recommendation via Directive #14-32 in March 2014.

II. Current Situation is as follows:

- A. Current Code - Section 31-23 is authorized by Section 15.2-1209 VA Code Ann., and Section 15.2-1209 allows the County to prohibit the 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.

- B. Amendment of Chapter 31 – At the request of the Board of County Supervisors, the Weapons Control Committee has met and considered proposed changes to Chapter 31 of the Prince William County Code made by the Prince William County Police Department. The proposed changes are to help clarify and define an application of Article II, Chapter 31 entitled “Firearms Control” to the use of discharge of bows.
- C. Circumstances – The Weapons Control Committee investigated the circumstances leading to this proposed change, heard from many concerned citizens, reviewed various ordinance and practices of other counties within the Commonwealth of Virginia, and reviewed Commonwealth laws pertaining to discharge of bows.
- D. Public Hearing– A public hearing has been duly advertised for this purpose and will be held at the January 13, 2015 Board meeting.
- E. Board Action Requested – The Board of County Supervisors is requested to amend Sections 31-23, 31-40, 31-41 and 31-42 of the Prince William County Code concerning the shooting of arrows from bows.

III. Issues in order of importance are:

- A. Policy/Service Levels – How will amending the County Code impact the community?
- B. Legal – Are the proposed amendments within the Board’s legal authority to adopt?
- C. Timing –When would the amendments become effective?
- D. Fiscal Impact – Are there any fiscal impacts from the adoption of the proposed amendments?

IV. Alternatives in order of feasibility are:

- A. Amend Sections 31-23, 31-40, 31-41 and 31-42 of the Prince William County Code concerning the shooting of arrows from bows.
 - 1. Policy/Service Levels – Amending the code will provide clarity and a measure of safety for any inhabitants of a regularly occupied structure in the area where the shooting of arrows from bows may occur.



2. Legal – The County Attorney has reviewed the amendments and finds that they are within the Board’s legal authority to adopt under Virginia Law.
3. Timing – The amendments would become effective upon adoption.
4. Fiscal Impact – There are no known fiscal impacts which are anticipated to arise as a result of these amendments.

B. Take No Action

1. Policy/Service Levels – Not enacting these amendments could prove hazardous to the citizens and create confusion regarding the use of bows and arrows.
2. Legal – None.
3. Timing – The amendments will not become effective if they are not approved.
4. Fiscal Impact – None.

- V. **Recommendation** is that the Board of County Supervisors concur with Alternative A and approve the attached Resolution.

Staff Contact: Stephan M. Hudson, Chief of Police, x6650



Prince William County Government
Board of County Supervisors

Results of Directive Assignment Report #14-32 Provisions Concerning the Shooting of Arrows from Bows

*Captain Scott A. Vago
Eastern District Commander
Prince William County
Police Department*

Background

- In 2013, an HOA in the Occoquan District voted to allow a managed deer hunt, using bows and arrows, in their community. Residents who disagreed with the actions of the HOA sought help from the Police Department in determining if this was lawful.

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

Current Code

- Sec. 31-23. - One hundred-yard safety zone.
It shall be unlawful to shoot or hunt within 100 yards of any regularly occupied structure without advance permission of the owner or occupant, subject to the exceptions below.
(Ord. No. 81-28-34, § 19A-9, 10-6-81; Ord. No. 12-27, Attch., 6-5-12, effective 7-1-12)

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

Commonwealth's Attorney Opinion

- The Commonwealth's Attorney interpreted the word "hunt" to incorporate the use of bows and arrows which ultimately restricted the proposed managed hunt.

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

County Attorney Opinion

- The County Attorney recommended that the County Code be clarified to include more specific language regarding bows and arrows and drafted proposed changes to the Code.

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

BOCS Action

- Request for Public Hearing – January 2014
- Consent Agenda – February 2014
- Public Hearing – March 2014
- Referral to Farm Bureau and Weapons Control Board for recommendation via Directive #14-32 – March 2014

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

Farm Bureau Action

- Presented to the Farm Bureau Board of Directors on March 27, 2014.
- Recommendation – By memorandum dated May 8, 2014, the Board of Directors voted “unanimously” in favor of the proposed amendments.

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

Weapons Control Board

- Eight public meetings were held between March and November of 2014
- Numerous citizens/professionals attended and presented
- Extensive research was conducted by the WCB including best practices and comparison with other jurisdictions

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

Other Jurisdictions

Jurisdiction	Distance
Prince William County	100 yards
Arlington County	100 yards
Chesterfield County	150 feet
Fairfax County	"reasonably expected"
Fauquier County	n/a
Henrico County	"from or across"
Montgomery County	100 yards
Stafford County	n/a

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

Chapter 31 - Weapons

- Article I – In General
- Article II – Firearms Control
- Article III – Compound & Crossbow Control

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

WCB Recommendations

- The County Code should be simple to understand by citizens
- The County Code should be simple to enforce by law authorities
- Bows, recurve bows, compound bows and crossbows are all elements of a family of archery instruments under Virginia Commonwealth Law
- A bow is not a firearm

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

WCB Recommendations

- Article II, Chapter 31 of the County Code is intended to control firearms.
- Article III, Chapter 31 of the County Code is intended to control bows.
- Any principles of safety recommended for bow control should be applied to Article III and not Article II of Chapter 31.
- The Police Department agrees with these recommendations.

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

WCB Proposed Modifications

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Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

WCB Proposed Modifications (cont.)

Sec. 31-41. Limitations on use of ~~bows compound bows or crossbows~~.

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- (b) ~~It shall be unlawful for any person to discharge an arrow from a bow across or which may land upon any public right-of-way, or any public street or highway.~~
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- (d) ~~A violation of this section shall be a misdemeanor and upon conviction, shall be punished by a fine of not more than \$500.00.~~

Sec. 31-42. Same – Exceptions.

~~It shall not be unlawful to discharge arrows from bows for the killing of deer pursuant to the Code of Virginia § 29.1-529, provided that the discharge occurs on a parcel of land that is at least two acres in area and zoned for agricultural use.~~

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

Can I Shoot A Bow in PWC?

- Yes, as proposed, when the following conditions can be met:
 - ◆ Discharged on your own property, and the arrow does not cross or land on another property *unless* advanced permission has been obtained from the impacted property owner(s);
 - ◆ **AND** the arrow is discharged no less than 100 feet from any regularly occupied dwelling *unless* advanced permission has been obtained from the owner or occupant of such dwelling.

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015

Can I Shoot A Bow in PWC? (cont.)

- **OR**, pursuant to Section 29.1-529 of the Code of Virginia, the owner has obtained a permit from the Department of Game and Inland Fisheries for the killing of deer on a parcel of land that is at least two acres in area and zoned for agricultural use.

Amendments to Clarify Provisions Concerning the Shooting of Arrows from Bows | January 13, 2015