

1 Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by  
2 Amending Chapter 40, Article II Entitled, "Firearms, Air Guns, Spring Guns and Similar  
3 Implements," by: Adding Section 40-15 to Include Definitions of Firearm and Pneumatic  
4 Gun; Amending Section 40-16 to Provide an Exception to the Prohibition of Pneumatic  
5 Guns for Persons over the Age of 14 on Private Property and Sections 40-17 and 40-18 to  
6 Clarify Penalties for Discharge of a Firearm or a Pneumatic Gun; Adding Section 40-19 to  
7 Regulate the Transportation of Loaded Shotguns and Rifles; and Amending Sections 40-  
8 20 and 40-22 to otherwise Bring the Article into Compliance with Amendments to the  
9 Virginia Code.

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11 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia Article II, Chapter 40 of  
12 the City Code of the City of Hampton, Virginia be amended to read as follows:

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14 **Chapter 40 – WEAPONS**

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18 **ARTICLE II. – FIREARMS, AIR GUNS, SPRING GUNS AND SIMILAR IMPLEMENTS AND**  
19 **PNEUMATIC GUNS**

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21 **Sec. 40-15. – Definitions.**

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23 *Firearm. Any weapon that will or is designed to or may readily be converted to expel*  
24 *single or multiple projectiles by the action of an explosion of a combustible material.*

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26 *Pneumatic gun. Any implement, designed as a gun that will expel a BB or a pellet by*  
27 *action of pneumatic pressure. This term includes a paintball gun that expels by action of*  
28 *pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact,*  
29 *but does not include a pneumatic nail gun or other tool when used for its intended purpose.*

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31 **Sec. 40-16. - Possession by certain minors.**

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33 (a) It shall be unlawful for any person under the age of fourteen (14) years to have in his  
34 possession any *pneumatic gun* ~~air gun, spring gun, pellet gun or similar implement~~, unless such  
35 person under the age of fourteen (14) years is ~~accompanied~~ *supervised* by his parent, guardian  
36 or other capable adult. *Any minor, whether permitted by a parent or guardian to use a*  
37 *pneumatic gun, shall be responsible for obeying all laws, regulations and restrictions governing*  
38 *such use.*

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40 (b) A violation of this section shall be punishable by *as a Class 4 misdemeanor* ~~a fine of not~~  
41 ~~more than one hundred dollars (\$100.00)~~, and the *pneumatic gun* ~~air gun, spring gun,~~  
42 ~~pellet gun or similar implement~~ possessed in violation hereof may be confiscated by the  
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**Sec. 40-17. - Discharge near dwelling, occupied structure or street.**

It shall be unlawful for any person to discharge shots, bullets, pellets or any similar thing from a firearm, ~~air gun, spring gun, pellet gun or similar implement~~ *or pneumatic gun* within five hundred (500) feet of any dwelling or occupied structure or any street, alley or other public way in the city. *Any violation of this section involving a firearm shall constitute a Class 1 misdemeanor. Any violation of this section involving a pneumatic gun shall constitute a Class 4 misdemeanor.*

**Sec. 40-18. - Discharge or hunting prohibited.**

(a) The discharge or use of a firearm ~~or including a shotgun loaded with shot, air gun, spring gun, pellet gun~~ *pneumatic gun* or other weapon within the city limits is hereby prohibited, except as provided in subsections 40-18 (b) and (c), 40-20 and 40-22.

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(c) Discharge or use of a *firearm or pneumatic gun* ~~shotgun loaded with shot, air gun, spring gun, pellet gun or other weapon~~ within the city limits may be permitted, by designated persons for animal control purposes where the chief of police has found that such is necessary for the health, safety and welfare of the citizens and the action has been reviewed and approved in writing by the chief of police.

(d) *Any violation of this section involving a firearm shall constitute a Class 1 misdemeanor. Any violation of this section involving a pneumatic gun shall constitute a Class 4 misdemeanor.*

**Sec. 4-19 – Carrying loaded rifle or shotgun prohibited.**

*It shall be unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle, on any public street, road or highway within the City of Hampton. Any violation of this section shall be a misdemeanor, punishable by a fine of not more than \$100.*

*This section shall become effective on May 1, 2016.*

~~Sec. 40-20. – Discharge over bodies of water.~~ **Reserved**

~~(a) — The discharge or use of a firearm air gun, spring gun, pellet gun or similar implement over bodies of water within the jurisdiction of the city is prohibited, except from blinds licensed by the commonwealth. The discharge or use of a rifle or pistol or a shotgun while loaded with slugs from such licensed blinds is prohibited. Further, no firearm, other than a shotgun loaded with shot not heavier than double ought buckshot, shall be discharged from such blind and no shot shall be discharged landward within five hundred (500) feet of the shoreline.~~

~~(b) — Violation of this section shall constitute a Class 1 misdemeanor.~~

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**Sec. 40-22. - Exceptions from article.**

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(a) Nothing in this article shall be construed to prohibit the following:

(1) The discharge of firearms by law enforcement and military personnel as part of authorized training or in the performance of their duties or the discharge of any firearm by any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

(2) The discharge of firearms *or pneumatic guns* upon a gunnery range or shooting gallery.

*(3) The discharge of a pneumatic gun by an adult or minor over the age of 14, 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.*

~~(3)~~ (4) The discharge of firearms at a shooting event, a permit for which has been obtained from the chief of police by the sponsor of such event.

(b) In granting a permit for any event referred to in subsection (a)~~(4)~~ above, the chief of police shall use the following guidelines and grant no permit until assured that each and every requirement below will be met:

(1) The event is in a location sufficiently remote as to impose no threat to life, limb or property located in, on or near any structure, building, house, street, alley or public way.

(2) That the direction of any discharge will be such that it will impose no threat, either actual or remote, to any structure, building, house, street, alley or public way.

(3) That safety precautions will be taken during the event to insure that the perimeters of the event are well-marked by signs indicating that a shooting event is taking place.

(4) That at least two (2) persons will be designated by the sponsor of the event to monitor the perimeters of the event for the protection of life, limb and property.

A violation of any term or condition of such permit shall constitute a Class 1 misdemeanor.