

EXHIBIT NO. 1

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9-12-09 ~~13~~
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MEMORANDUM

DATE: July 2, 2009
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES L. BANKS, JR., CITY ATTORNEY
SUBJECT: ORDINANCE PROHIBITING SHOOTING OF COMPOUND BOWS,
CROSSBOWS, LONGBOWS AND RECURVE BOWS

ISSUE: Consideration of an ordinance to prohibit the shooting of an arrow upon the property of another without permission from the owner or tenant of the property.

RECOMMENDATION: None.

DISCUSSION: In June 2009, Mayor William D. Euille received a complaint from a citizen regarding an ongoing dispute with a neighbor. The citizen complained that his neighbor continued to engage in target shooting of arrows from a compound bow despite the citizen's request to the neighbor to refrain from such activity. The citizen explained to the neighbor that because of the small size of their respective yards the citizen felt threatened by the shooting of the arrows. The target practice has continued despite the citizen's requests to the neighbor and the citizen's calling the police about the issue. In fact, the citizen has discovered arrows lodged in his yard after his discussions with the neighbor and the calling of the police.

While a state statute punishes the shooting of an arrow in or across a road or street as a Class 4 misdemeanor, there is no general prohibition against shooting of an arrow in or across private property. *See* Va. Code § 18.2-286 (1950 as amended). The General Assembly has, however, granted the authority to any locality to prohibit such activity. *See* Va. Code § 15.2-916.

The ordinance as drafted closely follows the language of the enabling statute (Va. Code § 15.2-916) and provides the same penalty (Class 4 misdemeanor) as the most closely analogous state criminal statute, Va. Code § 18.2-286.

A Class 4 misdemeanor is punishable by a fine of not more than \$250. *See* Va. Code § 18.2-11.

FISCAL IMPACT: None

ATTACHMENTS: Proposed Ordinance.

STAFF: James L. Banks, Jr., City Attorney

Introduction and first reading: 9/8/09
Public hearing: 9/12/09
Second reading and enactment: 9/12/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend Section 13-2-7 (PROHIBITING SHOOTING OF COMPOUND BOWS, CROSSBOWS, LONGBOWS AND RECURVE BOWS) of Article A (GENERAL PROVISIONS), Chapter 2 (WEAPONS) of Title 13 (MISCELLANEOUS OFFENSES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance prohibits the shooting of an arrow upon the property of another without permission from the owner or tenant of the property.

Sponsor

William D. Euille, Mayor

Staff

James L. Banks, Jr., City Attorney

Authority

Va. Code § 15.2-916 (1950 as amended)

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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ORDINANCE NO. _____

AN ORDINANCE to amend Section 13-2-7 (PROHIBITING SHOOTING OF COMPOUND BOWS, CROSSBOWS, LONGBOWS AND RECURVE BOWS) of Article A (GENERAL PROVISIONS), Chapter 2 (WEAPONS) of Title 13 (MISCELLANEOUS OFFENSES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the General Assembly of the Commonwealth of Virginia granted to any locality the right to prohibit the shooting of an arrow from a bow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. Va. Code § 15.2-916 (1950 as amended).

Section 2. That Section 13-2-7 of the Code of the City of Alexandria, Virginia, 1981 as amended, be, and the same is hereby adopted to read as follows:

Sec. 13-2-7 Prohibiting shooting of compound bows, crossbows, longbows and recurve bows.

It shall be unlawful for any person to shoot an arrow from a bow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. Any person violating this section shall be guilty of a Class 4 misdemeanor.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Introduction: 9/8/09
First Reading: 9/8/09
Publication:
Public Hearing:
Second Reading:
Final Passage:

ORDINANCE NO. 4613

AN ORDINANCE to amend Section 13-2-7 (PROHIBITING SHOOTING OF COMPOUND BOWS, CROSSBOWS, LONGBOWS AND RECURVE BOWS) of Article A (GENERAL PROVISIONS), Chapter 2 (WEAPONS) of Title 13 (MISCELLANEOUS OFFENSES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the General Assembly of the Commonwealth of Virginia granted to any locality the right to prohibit the shooting of an arrow from a bow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. Va. Code § 15.2-916 (1950 as amended).

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It shall be unlawful for any person to shoot an arrow from a bow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property. Any person violating this section shall be guilty of a Class 4 misdemeanor.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: September 12, 2009