

MEMORANDUM

DATE: September 8, 2009
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES L. BANKS, JR., CITY ATTORNEY
SUBJECT: ORDINANCES REGARDING THE CARRYING OF FIREARMS

ISSUE: State statute now prohibits localities from generally regulating the carrying of firearms in public places except in certain specifically defined circumstances. Alexandria City Code Sections 6-1-1.1 and 13-2-4 currently do not comply with relevant state law.

RECOMMENDATION: Amend and repeal the City Code Sections.

DISCUSSION: Virginia now generally prohibits localities from regulating the possession of firearms in public with certain specifically defined exceptions. The first code section at issue prohibited persons from carrying a loaded firearm near public parks and the second generally prohibited the carrying of a loaded firearm in public. Both sections violate current state law. This year, the state legislature added a section to the applicable law which provides for the award of attorneys fees and costs to a person who successfully challenges any offending local ordinance.

AUTHORITY: Va. Code § 15.2-915 (1950 as amended).

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 ORDINANCES

Title

AN ORDINANCE to repeal Section. 13-2-4 (CARRYING LOADED FIREARMS) of Chapter 2 (WEAPONS), Title 13 (MISCELLANEOUS OFFENSES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The amending and repealing of the relevant section of the city code is to comply with current state statute that prohibits localities from regulation of firearm possession.

Sponsor

William D. Euille, Mayor

Staff

James L. Banks, Jr., City Attorney

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 repeal Section. 13-2-4 (CARRYING LOADED FIREARMS) of Chapter 2 (WEAPONS), 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. Section 13-2-4 currently reads as follows:

It shall be unlawful for any unauthorized person to carry a loaded firearm in any public place.

Section 2. That Section 13-2-4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is repealed.

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

WILLIAM D. EUILLE
Mayor

Introduction: 9/8/2009
First Reading: 9/8/2009
Publication:
Public Hearing:
Second Reading:
Final Passage: