



# CITY OF RICHMOND

## INTRACITY CORRESPONDENCE

### O&R REQUEST

**DATE:** August 3, 2020

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Levar M. Stoney, Mayor

*[Handwritten signature and date: 8/3/2020]*

**THROUGH:** Lenora Reid, Acting Chief Administrative Officer

*[Handwritten initials]*

**FROM:** Gerald M. Smith, Chief of Police

*[Handwritten signature and date: 8/3/2020]*

**RE:** Prohibition of Carrying Firearms in or Adjacent to Certain Events

**ORD. OR RES. No.** \_\_\_\_\_

#### PURPOSE:

Ordinance to modify Richmond City Code § 19-334.1; Carrying Firearms in Certain Places, to prohibit possession, carrying, or transportation of any firearms in any 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.

#### REASON:

Virginia Code § 15.2-915 authorizes localities to prohibit possession, carrying, or transportation of any firearms in any 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. Passage of this ordinance is expected to increase the safety of event attendees and those living, working and playing in the areas around such events.

#### RECOMMENDATION:

The City Administration recommends adoption of this ordinance.

**BACKGROUND:**

Governor Ralph Northam called for a special session of the Virginia Assembly on July 9, 2019, to address gun violence in the Commonwealth of Virginia. During the special session, the expansion of local authority to regulate firearms was considered. In anticipation of the special session, the City of Richmond passed an ordinance prohibiting carrying a firearm in City-owned buildings, parks, and recreation or community facilities, which was to take effect immediately upon passage of such an enabling statute. (See attached Ordinance No. 2019-165.)

Virginia Code § 15.2-915 was modified by the 2020 General Assembly, to allow for such prohibitions, as well as prohibiting the carrying of firearms in any 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. This legislation went into effect July 1, 2020. As such, the City of Richmond is authorized to prohibit the carrying of firearms in such areas.

**COST TO CITY:** None

**REVENUE TO CITY:** None

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** August 10, 2020, Special Meeting

**CITY COUNCIL PUBLIC HEARING DATE:** September 14, 2020, or at the next Council meeting, whichever is sooner.

**REQUESTED AGENDA:** Regular Agenda

**RECOMMENDED COUNCIL COMMITTEE:** Bypass of the Public Safety Standing Committee requested

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Richmond Police Department

**RELATIONSHIP TO EXISTING ORD. OR RES.:** 2019-165

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Ordinance No. 2019-165, Virginia Code § 15.2-915

**STAFF:**

David Mitchell, Esq.  
Office of General Counsel  
Richmond Police Department  
804-646-5528

**Proposed Ordinance:**

No person shall possess, carry, or transport any firearm within any City-owned building, park, or recreation or community facility, or in an 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. This prohibition shall not apply to any duly authorized (i) military personnel in the performance of their lawful duties, (ii) law enforcement officer, or (iii) security guard contracted or employed by the City.

INTRODUCED: June 24, 2019

AN ORDINANCE No. 2019-165

To amend ch. 19, art. VII, div. 2 of the City Code by adding therein a new § 19-334.1 for the purpose of prohibiting the carrying of firearms within certain places effective at such time as the adoption of such a prohibition becomes permitted by law.

\_\_\_\_\_  
Patron – Mayor Stoney

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JUL 1 2019      AT 5 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 19, Article VII, Division 2 of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new section** numbered 19-334.1 as follows:

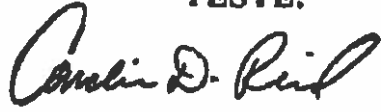
**Sec. 19-334.1. Carrying firearms in certain places.**

No person shall carry any firearm within any City-owned building, park, or recreation or community facility. This prohibition shall not apply to any duly authorized (i) military personnel in the performance of their lawful duties, (ii) law enforcement officer, or (iii) security guard contracted or employed by the City.

AYES:        7        NOES:        0        ABSTAIN:        2  
                  \_\_\_\_\_                  \_\_\_\_\_                  \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

§ 2. This ordinance shall be in force and effect as of the date on which a statute enacted by the General Assembly of Virginia to authorize the City to adopt the prohibition set forth in section 1 of this ordinance takes effect.

**ATRUE COPY:**  
**TESTE:**  
  
**City Clerk**



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O&R

REQUEST

DATE: June 18, 2019 EDITION: 1
TO: The Honorable Members of City Council
FROM: The Honorable Levar M. Stoney, Mayor
RE: City of Richmond Support of Banning Guns in Municipal Buildings and Parks

ORD. OR RES. No. \_\_\_\_\_

PURPOSE: Ordinance to adopt Virginia state law giving localities the authority to prohibit guns in municipal buildings and parks, once approved by the Virginia General Assembly.

REASON: To ensure that City of Richmond children, residents, and employees are safe from gun violence while in a municipal building or park.

RECOMMENDATION: Approval is recommended by the City Administration.

BACKGROUND: Governor Ralph Northam has called for a special session of the Virginia General Assembly on July 9, 2019 to address gun violence in the Commonwealth of Virginia. During this special session a number of proposals will be considered, including: universal background checks; a ban on assault weapons; extreme risk protective order; reinstating the one-gun-a-month law; child access prevention; requiring people to report lost and stolen firearms within 24 hours; and expanding local authority to regulate firearms.

As Virginia is a Dillon Rule state, localities are currently preempted from regulating firearms. However, if during the July 9 special session the Virginia General Assembly should pass a law granting localities the full authority to prohibit guns in municipal buildings and parks, the City of Richmond shall adopt that law immediately and prohibit all guns from municipal buildings and parks.

FISCAL IMPACT / COST: N/A

FISCAL IMPLICATIONS: N/A

BUDGET AMENDMENT NECESSARY: N/A

REVENUE TO CITY: N/A

RECEIVED

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OFFICE OF THE CITY ATTORNEY

O&R Request

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**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** June 24, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** July 1<sup>st</sup>, Special Meeting

**REQUESTED AGENDA:** Regular Agenda

**RECOMMENDED COUNCIL COMMITTEE:** Government Operations, June 27<sup>th</sup>

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None.

**AFFECTED AGENCIES:** Richmond Police Department

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None.

**REQUIRED CHANGES TO WORK PROGRAM(S):** None.

**ATTACHMENTS:**

**STAFF:** Lincoln Saunders, Chief of Staff, Office of Mayor Levar Stoney

## **§ 15.2-915. Control of firearms; applicability to authorities and local governmental agencies**

**A. No locality shall adopt or enforce any ordinance, resolution, or motion, as permitted by § 15.2-1425, and no agent of such locality shall take any administrative action, governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. For purposes of this section, a statute that does not refer to firearms, ammunition, or components or combination thereof shall not be construed to provide express authorization.**

**Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. However, no locality shall adopt any workplace rule, other than for the purposes of a community services board or behavioral health authority as defined in § 37.2-100, that prevents an employee of that locality from storing at that locality's workplace a lawfully possessed firearm and ammunition in a locked private motor vehicle. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101, from acting within the scope of his duties.**

**The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail, juvenile detention facility, or state-governed entity, department, or agency.**

**B. Any local ordinance, resolution, or motion adopted prior to July 1, 2004, governing the purchase, possession, transfer, ownership, carrying, or transporting of firearms, ammunition, or components or combination thereof, other than those expressly authorized by statute, is invalid.**

**C. In addition to any other relief provided, the court may award reasonable attorney fees, expenses, and court costs to any person, group, or entity that prevails in an action challenging (i) an ordinance, resolution, or motion as being in conflict with this section or (ii) an administrative action taken in bad faith as being in conflict with this section.**

**D. For purposes of this section, "workplace" means "workplace of the locality."**

**E. Notwithstanding the provisions of this section, a locality may adopt an ordinance that prohibits the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof (i) in any building, or part thereof, owned or used by such locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any 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. In buildings that are not owned by a locality, or by any authority or local governmental entity created or controlled by the locality, such ordinance shall apply only to the part of the building**



used for a governmental purpose.

Any such ordinance may include security measures that are designed to reasonably prevent the unauthorized access of such buildings, parks, recreation or community center facilities, or public streets, roads, alleys, or sidewalks or public rights-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 by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.

The provisions of this subsection shall not apply to the activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq. or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions.

F. Notice of any ordinance adopted pursuant to subsection E shall be posted (i) at all entrances of any building, or part thereof, owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) at all entrances of any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) at all entrances of any recreation or community center facilities operated by the locality, or by any authority or local governmental entity created or controlled by the locality; and (iv) at all entrances or other appropriate places of ingress and egress to any 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.

1987, c. 629, § 15.1-29.15; 1988, c. 392; 1997, cc. 550, 587; 2002, c. 484; 2003, c. 945; 2004, cc. 837, 923; 2009, cc. 735, 772; 2012, c. 757; 2020, cc. 1205, 1247.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.