



Virginia Citizens Defense League, Inc.

P.O. Box 513, Newington, VA 22122 • 804-639-0600 • membership@vcdl.org

April 21, 2004

Ken Goodyear
Director Parks & Recreation
200 George St.
Radford, VA 24141

Dear Mr. Goodyear,

It was a pleasure talking to you yesterday. As per our discussion I am sending you this letter.

VCDL is a gun-rights organization that, amongst the other things, serves as a watchdog for violations of state law by localities. One of our members sent me a photo of a sign in your Wildwood Park that has a line saying "No firearms."

That prohibition is contrary to state law, which does not allow localities to ban guns from their parks unless they had an ordinance on the books prior to January 1, 1987 doing so. Even if there was an ordinance on the books prior to 1987, concealed handgun permit holders are exempted. Here is the current statute with key parts underlined:

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

From and after January 1, 1987, no locality shall adopt 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 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 affect the validity or invalidity of any ordinance, resolution or motion adopted prior to January 1, 1987. Nothing in this section shall prohibit a locality from adopting workplace rules relating to terms and conditions of employment of the workforce. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101 from acting within

the scope of his duties. No person may be prosecuted or convicted of a violation of any ordinance regulating the possession, carrying, or transportation of a firearm if he is (i) possessing, carrying, or transporting the firearm without violating any provision of Title 18.2 and he has a valid concealed handgun permit issued pursuant to § 18.2-308 or (ii) otherwise transporting the firearm in a lawful manner.

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 or juvenile detention facility.
(1987, c. 629, § 15.1-29.15; 1988, c. 392; 1997, cc. 550, 587; 2002, c. 484; 2003, c. 943.)

Effective July 1, 2004 all grandfathered firearms ordinances passed prior to 1987 will be null and void for everyone, not just concealed handgun permit holders. Here is the new law with key parts underlined again:

§ 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 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. Nothing in this section shall prohibit a law-enforcement officer, as defined in § 9.1-101 from acting within the scope of his duties.

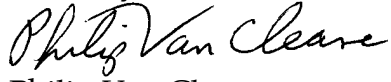
The provisions of this section applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail or juvenile detention facility.

B. Any local ordinance, resolution or motion adopted prior to the effective date of this act 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.

In order for Radford to comply with state law, the term "No firearms" needs to be removed from park signs.

If you, or the city attorney, have any questions about this issue, please don't hesitate to give me a call at: 804-639-0600.

Sincerely,

A handwritten signature in black ink that reads "Philip Van Cleave". The signature is written in a cursive style with a large, prominent initial "P".

Philip Van Cleave

President

Virginia Citizens Defense League