

1 **H. B. 2558**

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(By Delegates Overington, Nelson, J., Folk, Kump,  
Faircloth, Butler, Cadle, Householder, Sobonya, Miller and Lane)

[Introduced February 20, 2013; referred to the  
Committee on Political Subdivisions then Judiciary.]

10 A BILL to amend and reenact §8-12-5a of the Code of West Virginia,  
11 1931, as amended, relating to repealing the "grandfather"  
12 clause excepting certain municipal ordinances limiting the  
13 purchase, possession, transfer, ownership, carrying,  
14 transporting, selling or storing of guns or ammunition, from  
15 the general provision prohibiting such ordinances.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §8-12-5a of the Code of West Virginia, 1931, as amended,  
18 be amended and reenacted to read as follows:

19 **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED**  
20 **RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND**  
21 **MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST**  
22 **MUNICIPALITIES.**

23 **§8-12-5a. Limitations upon municipalities' power to restrict the**  
24 **purchase, possession, transfer, ownership, carrying,**  
25 **transport, sale and storage of certain weapons and**

1                   **ammunition.**

2           (a) The provisions of section five of this article  
3 notwithstanding, neither a municipality nor the governing body of  
4 any municipality may limit the right of any person to purchase,  
5 possess, transfer, own, carry, transport, sell or store any  
6 revolver, pistol, rifle or shotgun or any ammunition or ammunition  
7 components to be used therewith nor to so regulate the keeping of  
8 gunpowder so as to directly or indirectly prohibit the ownership of  
9 the ammunition.

10           ~~Nothing herein shall in any way~~ (b) This section does not:

11           (1) Impair the authority of any municipality, or the governing  
12 body thereof, to enact any ordinance or resolution respecting the  
13 power to arrest, convict and punish any individual under the  
14 provisions of subdivision (16), section five of this article or  
15 from enforcing any such ordinance or resolution; ~~Provided, That~~  
16 ~~any municipal ordinance in place as of the effective date of this~~  
17 ~~section shall be excepted from the provisions of this section:~~  
18 ~~Provided, however, That no provision in this section may be~~  
19 ~~construed to~~ or

20           (2) Limit the authority of a municipality to restrict the  
21 commercial use of real estate in designated areas through planning  
22 or zoning ordinances.

NOTE: The purpose of this bill is to remove the "grandfather" clause that excepts municipal ordinances limiting the purchase, possession, transfer, ownership, carrying, transporting, selling or storing of guns or ammunition, from the general provision prohibiting such ordinances, if the ordinance was adopted prior to June 1, 1999.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.