

COMMITTEE SUBSTITUTE

FOR

# **H. B. 2760**

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(BY DELEGATES R. PHILLIPS, ELDRIDGE, MILEY, BOGGS, WHITE,  
MARCUM, STOWERS, O'NEAL, HARTMAN, HAMILTON AND TOMBLIN)

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(Originating in the Committee on the Judiciary)

[March 6, 2013]

A BILL to repeal §8-12-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §7-1-3 of said code; to amend and reenact §8-12-5 of said code; and to amend said code, by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all relating to crimes and punishment; jurisdiction, powers and duties of county commissions; general powers of municipalities and their governing bodies; uniform regulation of firearms, ammunition, and firearm accesso-

ries throughout West Virginia solely by the Legislature; legislative intent; definition; general rules relating to the regulation of firearms, ammunition and firearm accessories; remedies for unlawful regulation; providing for exceptions; and providing applicability, grand fathering clause and effective date.

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

That §8-12-5a of the Code of West Virginia, 1931, as amended be repealed; that §7-1-3 of said code be amended and reenacted; that §8-12-5 be amended and reenacted; and that chapter 61 of said code be amended by adding thereto a new article, designated §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all to read as follows:

## **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

### **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

#### **§7-1-3. Jurisdiction, powers and duties.**

- 1       The county commissions, through their clerks, shall have the
- 2   custody of all deeds and other papers presented for record in
- 3   their counties and the same shall be preserved therein, or
- 4   otherwise disposed of as now is, or may be prescribed by law.
- 5   They shall have jurisdiction in all matters of probate, the

6 appointment and qualification of personal representatives,  
7 guardians, committees, curators and the settlement of their  
8 accounts and in all matters relating to apprentices. They shall  
9 also, under the rules as now are or may be prescribed by law,  
10 have the superintendence and administration of the internal  
11 police and fiscal affairs of their counties, including the establish-  
12 ment and regulation of roads, ways, streets, avenues, drives and  
13 the like, and the naming or renaming thereof, in cooperation with  
14 local postal authorities, the Division of Highways and the  
15 directors of county emergency communications centers, to  
16 assure uniform, nonduplicative conversion of all rural routes to  
17 city-type addressing on a permanent basis, bridges, public  
18 landings, ferries and mills, with authority to lay and disburse the  
19 county levies. They shall, in all cases of contest, judge of the  
20 election, qualification and returns of their own members, and of  
21 all county and district officers, subject to appeal as prescribed by  
22 law. The tribunals as have been heretofore established by the  
23 Legislature under and by virtue of section thirty-four, article VIII  
24 of the Constitution of one thousand eight hundred seventy-two,  
25 for police and fiscal purposes, shall, until otherwise provided by

26 law, remain and continue as at present constituted in the counties  
27 in which they have been respectively established, and shall be  
28 and act as to police and fiscal matters in lieu of the county  
29 commission herein mentioned, until otherwise provided by law.

30 And until otherwise provided by law, the clerk as is mentioned  
31 in section twenty-six of said article, as amended, shall exercise  
32 any powers and discharge any duties heretofore conferred on, or  
33 required of, any court or tribunal established for judicial  
34 purposes under said section, or the clerk of the court or tribunal,  
35 respectively, respecting the recording and preservation of deeds  
36 and other papers presented for record, matters of probate, the  
37 appointment and qualification of personal representatives,  
38 guardians, committees, curators and the settlement of their  
39 accounts and in all matters relating to apprentices. ~~The county~~

40 ~~commission may not limit the right of any person to purchase,~~  
41 ~~possess, transfer, own, carry, transport, sell or store any revolver,~~  
42 ~~pistol, rifle or shotgun or any ammunition or ammunition~~  
43 ~~components to be used therewith nor to so regulate the keeping~~  
44 ~~of gunpowder so as to, directly or indirectly, prohibit the~~  
45 ~~ownership of the ammunition: *Provided, That no provision in*~~

46 ~~this section may be construed to limit the authority of a county~~  
47 ~~to restrict the commercial use of real estate in designated areas~~  
48 ~~through planning or zoning ordinances.~~

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

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

#### **§8-12-5. General powers of every municipality and the governing body thereof.**

1 In addition to the powers and authority granted by: (i) The  
2 Constitution of this state; (ii) other provisions of this chapter;  
3 (iii) other general law; and (iv) any charter, and to the extent not  
4 inconsistent or in conflict with any of the foregoing except  
5 special legislative charters, every municipality and the governing  
6 body thereof shall have plenary power and authority therein by  
7 ordinance or resolution, as the case may require, and by appro-  
8 priate action based thereon:

9 (1) To lay off, establish, construct, open, alter, curb, recurb,  
10 pave or repave and keep in good repair, or vacate, discontinue  
11 and close, streets, avenues, roads, alleys, ways, sidewalks, drains  
12 and gutters, for the use of the public, and to improve and light  
13 the same, and have them kept free from obstructions on or over

14 them which have not been authorized pursuant to the succeeding  
15 provisions of this subdivision; and, subject to such terms and  
16 conditions as the governing body shall prescribe, to permit,  
17 without in any way limiting the power and authority granted by  
18 the provisions of article sixteen of this chapter, any person to  
19 construct and maintain a passageway, building or other structure  
20 overhanging or crossing the airspace above a public street,  
21 avenue, road, alley, way, sidewalk or crosswalk, but before any  
22 permission for any person to construct and maintain a passage-  
23 way, building or other structure overhanging or crossing any  
24 airspace is granted, a public hearing thereon shall be held by the  
25 governing body after publication of a notice of the date, time,  
26 place and purpose of the public hearing has been published as a  
27 Class I legal advertisement in compliance with the provisions of  
28 article three, chapter fifty-nine of this code and the publication  
29 area for the publication shall be the municipality: *Provided*, That  
30 any permit so granted shall automatically cease and terminate in  
31 the event of abandonment and nonuse thereof for the purposes  
32 intended for a period of ninety days, and all rights therein or  
33 thereto shall revert to the municipality for its use and benefit;

34       (2) To provide for the opening and excavation of streets,  
35 avenues, roads, alleys, ways, sidewalks, crosswalks and public  
36 places belonging to the municipality and regulate the conditions  
37 under which any such opening may be made;

38       (3) To prevent by proper penalties the throwing, depositing  
39 or permitting to remain on any street, avenue, road, alley, way,  
40 sidewalk, square or other public place any glass, scrap iron,  
41 nails, tacks, wire, other litter or any offensive matter or anything  
42 likely to injure the feet of individuals or animals or the tires of  
43 vehicles;

44       (4) To regulate the use of streets, avenues, roads, alleys,  
45 ways, sidewalks, crosswalks and public places belonging to the  
46 municipality, including the naming or renaming thereof, and to  
47 consult with local postal authorities, the Division of Highways  
48 and the directors of county emergency communications centers  
49 to assure uniform, nonduplicative addressing on a permanent  
50 basis;

51       (5) To regulate the width of streets, avenues and roads, and  
52 subject to the provisions of article eighteen of this chapter, to  
53 order the sidewalks, footways and crosswalks to be paved,

54 repaved, curbed or recurbed and kept in good order, free and  
55 clean, by the owners or occupants thereof or of the real property  
56 next adjacent thereto;

57 (6) To establish, construct, alter, operate and maintain, or  
58 discontinue, bridges, tunnels and ferries and approaches thereto;

59 (7) To provide for the construction and maintenance of water  
60 drains, the drainage of swamps or marshlands and drainage  
61 systems;

62 (8) To provide for the construction, maintenance and  
63 covering over of watercourses;

64 (9) To control and administer the waterfront and waterways  
65 of the municipality and to acquire, establish, construct, operate  
66 and maintain and regulate flood control works, wharves and  
67 public landings, warehouses and all adjuncts and facilities for  
68 navigation and commerce and the utilization of the waterfront  
69 and waterways and adjacent property;

70 (10) To prohibit the accumulation and require the disposal  
71 of garbage, refuse, debris, wastes, ashes, trash and other similar  
72 accumulations whether on private or public property: *Provided,*  
73 That in the event the municipality annexes an area which has

74 been receiving solid waste collection services from a certificated  
 75 solid waste motor carrier, the municipality and the solid waste  
 76 motor carrier may negotiate an agreement for continuation of the  
 77 private solid waste motor carrier services for a period of time,  
 78 not to exceed three years, during which time the certificated  
 79 solid waste motor carrier may continue to provide exclusive  
 80 solid waste collection services in the annexed territory;

81 (11) To construct, establish, acquire, equip, maintain and  
 82 operate incinerator plants and equipment and all other facilities  
 83 for the efficient removal and destruction of garbage, refuse,  
 84 wastes, ashes, trash and other similar matters;

85 (12) To regulate or prohibit the purchase or sale of articles  
 86 intended for human use or consumption which are unfit for use  
 87 or consumption, or which may be contaminated or otherwise  
 88 unsanitary;

89 (13) To prevent injury or annoyance to the public or  
 90 individuals from anything dangerous, offensive or unwholesome;

91 (14) To regulate the keeping of ~~gunpowder and other~~  
 92 combustibles;

93 (15) To make regulations guarding against danger or damage  
 94 by fire;

195       (16) To arrest, convict and punish any individual for  
196 carrying about his or her person any ~~revolver or other pistol,~~  
197 dirk, bowie knife, razor, slingshot, billy, metallic or other false  
198 knuckles or any other ~~dangerous or other~~ deadly weapon of like  
199 kind or character;

100       (17) To arrest, convict and punish any person for importing,  
101 printing, publishing, selling or distributing any pornographic  
102 publications;

103       (18) To arrest, convict and punish any person for keeping a  
104 house of ill fame, or for letting to another person any house or  
105 other building for the purpose of being used or kept as a house  
106 of ill fame, or for knowingly permitting any house owned by him  
107 or her or under his or her control to be kept or used as a house of  
108 ill fame, or for loafing, boarding or loitering in a house of ill  
109 fame, or frequenting same;

110       (19) To prevent and suppress conduct and practices which  
111 are immoral, disorderly, lewd, obscene and indecent;

112       (20) To prevent the illegal sale of intoxicating liquors,  
113 drinks, mixtures and preparations;

114       (21) To arrest, convict and punish any individual for driving  
115 or operating a motor vehicle while intoxicated or under the  
116 influence of liquor, drugs or narcotics;

117       (22) To arrest, convict and punish any person for gambling  
 118 or keeping any gaming tables, commonly called “A, B, C,” or  
 119 “E, O,” table or faro bank or keno table, or table of like kind,  
 120 under any denomination, whether the gaming table be played  
 121 with cards, dice or otherwise, or any person who shall be a  
 122 partner or concerned in interest, in keeping or exhibiting the  
 123 table or bank, or keeping or maintaining any gaming house or  
 124 place, or betting or gambling for money or anything of value;

125       (23) To provide for the elimination of hazards to public  
 126 health and safety and to abate or cause to be abated anything  
 127 which in the opinion of a majority of the governing body is a  
 128 public nuisance;

129       (24) To license, or for good cause to refuse to license in a  
 130 particular case, or in its discretion to prohibit in all cases, the  
 131 operation of pool and billiard rooms and the maintaining for hire  
 132 of pool and billiard tables notwithstanding the general law as to  
 133 state licenses for any such business and the provisions of section  
 134 four, article thirteen of this chapter; and when the municipality,  
 135 in the exercise of its discretion, refuses to grant a license to  
 136 operate a pool or billiard room, mandamus may not lie to compel

137 the municipality to grant the license unless it shall clearly appear  
138 that the refusal of the municipality to grant a license is discrimi-  
139 natory or arbitrary; and in the event that the municipality  
140 determines to license any business, the municipality has plenary  
141 power and authority and it shall be the duty of its governing  
142 body to make and enforce reasonable ordinances regulating the  
143 licensing and operation of the businesses;

144 (25) To protect places of divine worship and to preserve  
145 peace and order in and about the premises where held;

146 (26) To regulate or prohibit the keeping of animals or fowls  
147 and to provide for the impounding, sale or destruction of animals  
148 or fowls kept contrary to law or found running at large;

149 (27) To arrest, convict and punish any person for cruelly,  
150 unnecessarily or needlessly beating, torturing, mutilating, killing,  
151 or overloading or overdriving or willfully depriving of necessary  
152 sustenance any domestic animal;

153 (28) To provide for the regular building of houses or other  
154 structures, for the making of division fences by the owners of  
155 adjacent premises and for the drainage of lots by proper drains  
156 and ditches;

157       (29) To provide for the protection and conservation of shade  
158   or ornamental trees, whether on public or private property, and  
159   for the removal of trees or limbs of trees in a dangerous condi-  
160   tion;

161       (30) To prohibit with or without zoning the location of  
162   occupied house trailers or mobile homes in certain residential  
163   areas;

164       (31) To regulate the location and placing of signs, billboards,  
165   posters and similar advertising;

166       (32) To erect, establish, construct, acquire, improve,  
167   maintain and operate a gas system, a waterworks system, an  
168   electric system or sewer system and sewage treatment and  
169   disposal system, or any combination of the foregoing (subject to  
170   all of the pertinent provisions of articles nineteen and twenty of  
171   this chapter and particularly to the limitations or qualifications  
172   on the right of eminent domain set forth in articles nineteen and  
173   twenty), within or without the corporate limits of the municipal-  
174   ity, except that the municipality may not erect any system partly  
175   without the corporate limits of the municipality to serve persons  
176   already obtaining service from an existing system of the charac-

177 ter proposed and where the system is by the municipality  
178 erected, or has heretofore been so erected, partly within and  
179 partly without the corporate limits of the municipality, the  
180 municipality has the right to lay and collect charges for service  
181 rendered to those served within and those served without the  
182 corporate limits of the municipality and to prevent injury to the  
183 system or the pollution of the water thereof and its maintenance  
184 in a healthful condition for public use within the corporate limits  
185 of the municipality;

186 (33) To acquire watersheds, water and riparian rights, plant  
187 sites, rights-of-way and any and all other property and appurte-  
188 nances necessary, appropriate, useful, convenient or incidental  
189 to any system, waterworks or sewage treatment and disposal  
190 works, as aforesaid, subject to all of the pertinent provisions of  
191 articles nineteen and twenty of this chapter;

192 (34) To establish, construct, acquire, maintain and operate  
193 and regulate markets and prescribe the time of holding the same;

194 (35) To regulate and provide for the weighing of articles sold  
195 or for sale;

196 (36) To establish, construct, acquire, maintain and operate  
197 public buildings, municipal buildings or city halls, Auditoriums,

198 arenas, jails, juvenile detention centers or homes, motor vehicle  
199 parking lots or any other public works;

200 (37) To establish, construct, acquire, provide, equip,  
201 maintain and operate recreational parks, playgrounds and other  
202 recreational facilities for public use and in this connection also  
203 to proceed in accordance with the provisions of article two,  
204 chapter ten of this code;

205 (38) To establish, construct, acquire, maintain and operate a  
206 public library or museum or both for public use;

207 (39) To provide for the appointment and financial support of  
208 a library board in accordance with the provisions of article one,  
209 chapter ten of this code;

210 (40) To establish and maintain a public health unit in  
211 accordance with the provisions of section two, article two,  
212 chapter sixteen of this code, which unit shall exercise its powers  
213 and perform its duties subject to the supervision and control of  
214 the West Virginia Board of Health and State Bureau for Public  
215 Health;

216 (41) To establish, construct, acquire, maintain and operate  
217 hospitals, sanitariums and dispensaries;

218       (42) To acquire, by purchase, condemnation or otherwise,  
219 land within or near the corporate limits of the municipality for  
220 providing and maintaining proper places for the burial of the  
221 dead and to maintain and operate the same and regulate inter-  
222 ments therein upon terms and conditions as to price and other-  
223 wise as may be determined by the governing body and, in order  
224 to carry into effect the authority, the governing body may  
225 acquire any cemetery or cemeteries already established;

226       (43) To exercise general police jurisdiction over any territory  
227 without the corporate limits owned by the municipality or over  
228 which it has a right-of-way;

229       (44) To protect and promote the public morals, safety,  
230 health, welfare and good order;

231       (45) To adopt rules for the transaction of business and the  
232 government and regulation of its governing body;

233       (46) Except as otherwise provided, to require and take bonds  
234 from any officers, when considered necessary, payable to the  
235 municipality, in its corporate name, with such sureties and in a  
236 penalty as the governing body may see fit, conditioned upon the  
237 faithful discharge of their duties;

238       (47) To require and take from the employees and contractors  
239 such bonds in a penalty, with such sureties and with such  
240 conditions, as the governing body may see fit;

241       (48) To investigate and inquire into all matters of concern to  
242 the municipality or its inhabitants;

243       (49) To establish, construct, require, maintain and operate  
244 such instrumentalities, other than free public schools, for the  
245 instruction, enlightenment, improvement, entertainment,  
246 recreation and welfare of the municipality's inhabitants as the  
247 governing body may consider necessary or appropriate for the  
248 public interest;

249       (50) To create, maintain and operate a system for the  
250 enumeration, identification and registration, or either, of the  
251 inhabitants of the municipality and visitors thereto, or the classes  
252 thereof as may be considered advisable;

253       (51) To require owners, residents or occupants of fac-  
254 tory-built homes situated in a factory-built rental home commu-  
255 nity with at least ten factory-built homes, to visibly post the  
256 specific numeric portion of the address of each factory-built  
257 home on the immediate premises of the factory-built home of

258 sufficient size to be visible from the adjoining street: *Provided*,  
259 That in the event no numeric or other specific designation of an  
260 address exists for a factory-built home subject to the authoriza-  
261 tion granted by this subdivision, the municipality has the  
262 authority to provide a numeric or other specific designation of an  
263 address for the factory-built home and require that it be posted  
264 in accordance with the authority otherwise granted by this  
265 section.

266 (52) To appropriate and expend not exceeding 25¢ per capita  
267 per annum for advertising the municipality and the entertainment  
268 of visitors;

269 (53) To conduct programs to improve community relations  
270 and public relations generally and to expend municipal revenue  
271 for such purposes;

272 (54) To reimburse applicants for employment by the  
273 municipality for travel and other reasonable and necessary  
274 expenses actually incurred by the applicants in traveling to and  
275 from the municipality to be interviewed;

276 (55) To provide revenue for the municipality and appropriate  
277 the same to its expenses;

278       (56) To create and maintain an Employee Benefits Fund  
279    which may not exceed one tenth of one percent of the annual  
280    payroll budget for general employee benefits and which is set up  
281    for the purpose of stimulating and encouraging employees to  
282    develop and implement cost-saving ideas and programs and to  
283    expend moneys from the fund for these purposes;

284       (57) To enter into reciprocal agreements with governmental  
285    subdivisions or agencies of any state sharing a common border  
286    for the protection of people and property from fire and for  
287    emergency medical services and for the reciprocal use of  
288    equipment and personnel for these purposes;

289       (58) To provide penalties for the offenses and violations of  
290    law mentioned in this section, subject to the provisions of section  
291    one, article eleven of this chapter, and such penalties may not  
292    exceed any penalties provided in this chapter and chapter  
293    sixty-one of this code for like offenses and violations; and

294       (59) To participate in a purchasing card program for local  
295    governments authorized and administered by the State Auditor  
296    as an alternative payment method.

**CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

**ARTICLE 7B. UNIFORM REGULATION OF FIREARMS, AMMUNITION  
AND FIREARM ACCESSORIES THROUGHOUT WEST  
VIRGINIA.**

**§61-7B-1. Legislative intent.**

1        The purpose of this article is to establish within the Legisla-  
2   ture complete control over regulation and policy pertaining to  
3   firearms, ammunition and firearm accessories in order to ensure  
4   that such regulation and policy is applied uniformly throughout  
5   this state to each person subject to the state’s jurisdiction and to  
6   ensure protection of the right to keep and bear arms recognized  
7   by the constitutions of the United States and of this state. This  
8   section is to be liberally construed to accomplish its purpose.

**§61-7B-2. Definitions.**

1        As used in this article:  
2        (a) “Ammunition” means fixed cartridge ammunition,  
3   shotgun shells, the individual components of fixed cartridge  
4   ammunition and shotgun shells, projectiles for muzzle-loading  
5   firearms and any propellant used in firearms or ammunition.  
6        (b) “Expressly authorized by a statute of this state” means  
7   the power to regulate firearms, ammunition, or firearm accesso-  
8   ries is authorized by a duly-enacted state statute that specifically

9 mentions firearms, a particular type of firearm, ammunition, or  
10 a particular type of ammunition.

11 (c) “Firearm accessory” means a device specifically de-  
12 signed or adapted to enable the wearing or carrying about one’s  
13 person, or the storage or mounting in or on a conveyance, of a  
14 firearm, or an attachment or device specifically designed or  
15 adapted to be inserted into or affixed onto a firearm to enable,  
16 alter or improve the functioning or capabilities of the firearm.

17 (d) “Firearm” has the same meaning as in section 2, article  
18 7 of this chapter.

19 (e) “Person adversely affected” means any of the following:  
20 A resident of this state who may legally possess a firearm  
21 under the laws of this state and the United States and who either:

22 (A) Is subject to any manner of regulation alleged to be  
23 promulgated or enforced in violation of this section, whether or  
24 not specific enforcement action has been initiated or threatened  
25 against that person or another person; or

26 (B) Would be, if the person were present in the political  
27 subdivision in question, subject to any manner of regulation  
28 alleged to be promulgated or enforced in violation of this

29 section, whether or not specific enforcement action has been  
30 initiated or threatened against that person or another person.

31 (C) A person who otherwise has standing under the laws of  
32 this state to bring an action under subsection (f).

33 (D) A membership organization the members of which  
34 include a person described in subparagraphs (A) or (B) of this  
35 subdivision and that is dedicated, in whole or in part, to protect-  
36 ing the legal, civil, or constitutional rights of its membership.

37 (f) “Political subdivision” has the same meaning as in  
38 section ten-a, article three, chapter five-a of this code.

39 “Reasonable expenses” include, but are not limited to,  
40 attorney fees, expert witness fees, court costs, and compensation  
41 for loss of income.

**§61-7B-3. General rule.**

1 (a) Except as otherwise provided in this article or as ex-  
2 pressly authorized by a statute of this state, the Legislature  
3 hereby occupies and preempts the entire field of regulation in  
4 this state touching in any way upon firearms, ammunition and  
5 firearm accessories to the complete exclusion of any order,  
6 ordinance or rule promulgated or enforced by any political  
7 subdivision of this state.

8       **(b) The authority of a political subdivision to regulate**  
9       **firearms, ammunition, or firearm accessories may not be inferred**  
10       **from its proprietary authority, home rule status or any other**  
11       **inherent or general power.**

12       **(c) Any existing or future orders, ordinances, or rules**  
13       **promulgated or enforced in violation of this section are null and**  
14       **void.**

**§61-7B-4. Remedies for unlawful regulation.**

1       **(a) A person adversely affected by any order, ordinance, or**  
2       **rule promulgated or enforced in violation of this section may file**  
3       **suit in an appropriate court for declarative and injunctive relief**  
4       **and for all actual and consequential damages attributable to the**  
5       **violation.**

6       **(b) The court shall award reasonable expenses to a person**  
7       **adversely affected if an action under this subsection results in**  
8       **either:**

9       **(1) A final determination in favor of the person adversely**  
10       **affected; or**

11       **(2) Rescission, repeal, or amendment of the challenged**  
12       **manner of regulation or enforcement after suit has been filed**

13 under subdivision (1) but prior to a final determination by the  
14 court.

**§61-7B-5. Exceptions.**

1 This article may not be construed to prevent any of the  
2 following:

3 (a) A duly organized law-enforcement agency of a political  
4 subdivision from promulgating and enforcing rules pertaining to  
5 firearms, ammunition or firearm accessories that it issues to or  
6 that are used by the political subdivision's peace officers in the  
7 course of their official duties.

8 (b) An employer from regulating or prohibiting an em-  
9 ployee's carrying or possession of firearms, firearm accessories  
10 or ammunition during and in the course of the employee's  
11 official duties.

12 (c) A court or administrative law judge from hearing and  
13 resolving a case or controversy or issuing an opinion or order on  
14 a matter within its jurisdiction.

15 (d) The enactment or enforcement of a generally applicable  
16 zoning or business ordinance that includes firearms businesses  
17 along with other businesses, provided that an ordinance designed

18 or enforced effectively to restrict or prohibit the sale, purchase,  
 19 transfer, manufacture or display of firearms, ammunition or  
 20 firearm accessories that is otherwise lawful under the laws of  
 21 this state is in conflict with this section and is void.

22 (e) A political subdivision from enacting and enforcing rules  
 23 of operation and use for any firearm range owned or operated by  
 24 the political subdivision.

25 (f) A political subdivision from sponsoring or conducting  
 26 any firearm-related competition or educational or cultural  
 27 program and from enacting and enforcing rules for participation  
 28 in or attendance at such program: *Provided*, That nothing in this  
 29 section authorizes or permits a political subdivision to offer  
 30 remuneration for the surrender or transfer of a privately-owned  
 31 firearm to the political subdivision or another party as a method  
 32 of reducing the number of privately-owned firearms within the  
 33 political subdivision.

34 (g) Any official of a political subdivision with appropriate  
 35 authority and jurisdiction from enforcing any statute enacted by  
 36 the State Legislature.

37 (h) A political subdivision from leasing public property to  
 38 another person or entity for a firearm-related event on terms  
 39 agreeable to both parties.

**§61-7B-6. Applicability and effective dates.**

1        This article applies to an order, ordinance or rule adopted by  
2        a political subdivision of this state or to official actions taken by  
3        an employee or agent of such political subdivision, prior to or on  
4        or after the effective date of this article. The remedies prescribed  
5        under section three of this article shall take effect ninety days  
6        after the enactment date of this article to provide political  
7        subdivisions an opportunity to come into compliance with the  
8        provisions of this article. Upon the effective date of this article,  
9        any grandfathered municipal gun ordinances which were in  
10       effect at the time of the original passage of section five-a, article  
11       twelve, chapter eight of this code shall no longer be of any force  
12       or effect, to the extent they are in conflict with the provisions of  
13       this article.



