



Dear Leesburg Resident,

Below is more information about the noise issue that was featured in my newsletter this morning.

Update to Noise Section

Can the Board of Supervisors pass an ordinance to control the noise from outdoor shooting on private property that is in areas of the County designated as “rural” where the noise is audible in and disturbing to residents inside the Town limits? This is a question I have been getting from Town residents who live within earshot of the rural areas outside the Town. I am currently researching the law to see if the state has granted the Board the legal authority to protect Town residents from disturbing noise originating outside the Town. I don’t yet have a full answer, but the following will give you an idea of where we are in addressing this issue.

For years, the Sheriff and the Board of Supervisors have received complaints about noise coming from recreational shooting. Most of these complaints have originated in the rural parts of the County in Western Loudoun. If you subscribe to Alert Loudoun’s LCSO Daily Incident Report, you will find the Sheriff’s office receives complaints about gunfire from time to time. Inside the Town of Leesburg and in parts of Eastern Loudoun, there are prohibitions against shooting.

State law permits the Board to prohibit shooting in densely populated areas of the County. Why is it important what State law permits? Because Virginia is what’s called a “Dillon Rule” State. The Dillon Rule prohibits local government from taking any action unless the General Assembly passes enabling legislation that gives local government the authority to take action by, for example, passing an ordinance. When it comes to noise, Loudoun has two kinds of ordinances - the Codified Ordinances that can be enforced by the Sheriff; and the Noise Standards incorporated into the Zoning Ordinance that can be enforced by the County’s Zoning Enforcement staff.

Recently, residents of several Leesburg neighborhoods have complained about the noise of shooting coming from one or more properties just outside the Town of Leesburg. These properties are in a district defined as Agricultural Rural-1 (AR-1) in the County’s Zoning

Ordinance, an area where recreational shooting is permitted, because, with very specific limitations, the State has not given the County the authority to prohibit shooting on one's own property in low density rural areas. Areas designated as AR-1 generally allow only low density residential development - at least 10 acres per residential unit. But there are quite a few non-residential uses that are permitted. For the full list of permitted uses in the AR-1 areas, please look at Article 2 of the Zoning Ordinance.

Zoning Ordinance

There are legal activities in Loudoun County, like playing music, that are subject to the County's noise ordinances. Leesburg residents have asked whether the noise from recreational shooting is subject to the County's noise ordinances. The answer to that question isn't as simple as it is with a band playing music at a wedding reception or with a kennel in one of the rural zoning districts. In the County's Zoning Ordinance, Article 5 (Section 5-600) uses the following limiting language for rural kennels:

- Noise. The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

Could a similar decibel limit be applied to recreational shooting ranges? The answer might be yes, if the County were to establish "outdoor shooting range" as a permitted commercial use in the AR-1 or other rural zoning districts and if the County then applied noise standards to such a use. But permitting official outdoor shooting ranges would not necessarily eliminate the less formal outdoor shooting ranges that exist now in the rural areas of the County, so from the perspective of concerned neighbors, there just might be more shooting noise, rather than less. If you want to see some of the shooting noise issues that were examined by the County's Zoning Ordinance Advisory Group in 2018, go [here](#).

In Virginia, State law specifically protects activities related to recreational shooting on private property to an extent that it does not with many other activities. The Code of Virginia provides that "No local ordinance regulating any noise shall subject... an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting... to noise control standards more stringent than those in effect at its effective date." Please see Code of Virginia [here](#).

A past Board of Supervisors, perhaps partly in reliance on this provision of state law, passed a noise ordinance that specifically exempted the "lawful discharge of firearms" from the County's codified noise ordinance. For a brief overview of the background behind the current Codified Noise Ordinance, go [here](#) (but note that the list of exemptions on this overview page is incomplete and you have to look at the [noise ordinance](#) itself to find the firearms exemption at #14). State law prohibits the [reckless handling of firearms](#), even on the user's property.

In December of 2019, the previous Board of Supervisors passed amendments to the Codified Ordinances that clarified existing protections for homeowners and prohibited bullet trespass. Bullet trespass occurs when a shooter permits rounds from his or her

firearm to leave the property he or she is shooting from without the permission of the receiving property. The language of these two motions was as follows:

- I move that the Board of Supervisors approve and adopt amended language to the Codified Ordinances of Loudoun County Section 684.03(d), “the discharge of firearms is prohibited within 100 yards of a building with a current occupancy permit and/or regularly occupied structure, unless the owner or authorized agent has given permission” as provided in Attachment 1 to the December 11, 2019, Board of Supervisors Public Hearing Staff Report.
- I further move that the Board of Supervisors approve and adopt new language creating new Section 684.03(e) in the Codified Ordinances of Loudoun County stating, “The discharge of firearms for recreational or target shooting purposes shall be conducted in such a manner as to ensure that projectiles do not leave the boundaries of the property or parcel upon which the shooting is occurring, unless permission to do so has been granted by the owner of the property or parcel upon which the projectile lands. A projectile leaving the boundaries of the property or parcel shall be prima facie evidence of a violation of this section” as provided in Attachment 1 to the December 11, 2019, Board of Supervisors Public Hearing Staff Report.

State law prohibits [willfully discharging firearms in public places](#), but that does not apply to private property in rural areas.

The State allows counties to [prohibit hunting](#) within one half mile of a subdivision. But that legislation does not specifically allow counties to prohibit recreational shooting within one half mile of a subdivision.

State law enables counties to prohibit shooting within [100 yards of a public school or local government park](#) and it authorizes counties to prohibit hunting within [100 yards of a primary or secondary highway](#).

With the statutes linked to above, we have nearly run out of the enabling legislation that the State gives to local governments in the area of regulating the discharge of firearms. In my first term on the Board, I attempted to extend the no-shooting zone around homes farther than the County ordinance allowed.

I also tried to find support for shifting the suburban no-shooting zone from its current line in Eastern Loudoun west to Route 15. I was not successful with either effort. Going forward, I am working on a solution to bring to the Board to protect Town residents from the disturbing noise of nearby shooting. My intention is to protect our Town residents while ensuring any solution respects the Second Amendment rights of all residents. I will keep you posted as this effort goes forward.

Warm Regards,

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