

# State Laws and Published Ordinances – West Virginia

Current through all 2020 Regular Session legislation.

## Office of the Attorney General

State Capitol Complex  
Building 1, Room 26-E  
1900 Kanawha Boulevard  
Charleston, WV 25305-9924  
**Voice:** (304) 558-2021

<http://www.ago.wv.gov/Pages/default.aspx>



## Louisville Field Division

600 Dr. Martin Luther King Jr.  
Place, Suite 500  
Louisville, KY 40202  
**Voice:** (502) 753-3400

<https://www.atf.gov/louisville-field-division>



## Table of Contents

### Chapter 48 – Domestic Relations

#### Article 27 – Prevention and Treatment of Domestic Violence

##### Part IV – Coordination with Pending Circuit Court Actions

Section 48-27-403. Emergency protective orders of court; hearings; persons present.

Section 48-27-502. Mandatory provisions in protective order.

### Chapter 53 – Extraordinary Remedies

#### Article 8 – Personal Safety Orders

Section 53-8-5. Temporary personal safety orders.

Section 53-8-7. Personal safety hearing; forms of relief.

### Chapter 61 – Crimes and Their Punishment

#### Article 3E – Offenses Involving Explosives

Section 61-3E-1. Definitions.

Section 61-3E-3. Illegal possession of destructive devices, explosive materials or incendiary devices; penalty.

Section 61-3E-11. Exemptions.

#### Article 7 – Dangerous Weapons.

Section 61-7-2. Definitions.

Section 61-7-4. License to carry deadly weapons; how obtained.

Section 61-7-5. Revocation of license.

Section 61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.

Section 61-7-8. Possession of deadly weapons by minors; prohibitions.

Section 61-7-9. Possession of machine guns, penalties.

Section 61-7-10. Display of deadly weapons for sale or hire; sale to prohibited persons; penalties.

Section 61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.

Section 61-7-17. Construction of article.

#### Article 7A – State Mental Health Registry; Reporting of Persons Proscribed from Firearm Possession Due to Mental Condition to the National Instant Criminal Background Check System; Definitions; Reporting Requirements; Reinstatement of Rights Procedures.

Section 61-7A-2. Definitions.

Section 61-7A-5. Petition to regain right to possess firearms.

**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**

**Part III – General Powers of Municipalities and Governing Bodies.**

Section 8-12-5a. Limitations upon municipalities' power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale and storage of certain weapons and ammunition.

Barboursville

Beckley

Bluefield

Bridgeport

Charleston

Charles Town

Clarksburg

Dunbar

Eleanor

Fairmont

Fayetteville

Granville

Huntington

Hurricane

Keyser

Lewisburg

Mannington

Martinsburg

Montgomery

Morgantown

Moundsville

New Cumberland

New Martinsville

Oak Hill

Paden City

Parkersburg

Princeton

Ripley

South Charlestown

St Marys

Star City

Summersville

Vienna

Weirton

Wellsburg

Westover

Wheeling

Winfield

**Chapter 48 – Domestic Relations**  
**Article 27 – Prevention and Treatment of Domestic Violence**  
**Part IV – Coordination with Pending Circuit Court Actions**

**Section 48-27-403. Emergency protective orders of court; hearings; persons present.**

(a) Upon the filing of a verified petition under this article, the magistrate court may enter an emergency protective order as it may determine necessary to protect the petitioner or minor children from domestic violence and, upon good cause shown, may do so ex parte without the necessity of bond being given by the petitioner. Clear and convincing evidence of immediate and present danger of abuse to the petitioner or minor children constitutes good cause for the issuance of an emergency protective order pursuant to this section. If the respondent is not present at the proceeding, the petitioner or the petitioner's legal representative shall certify to the court, in writing, the efforts which have been made to give notice to the respondent or just cause why notice should not be required. Copies of medical reports or records may be admitted into evidence to the same extent as though the original reports or records. The custodian of the records is not required to be present to authenticate the records for any proceeding held pursuant to this subsection. If the magistrate court determines to enter an emergency protective order, the order shall prohibit the respondent from possessing firearms.

**Part V – Protective Orders; Visitation Orders**

**Section 48-27-502. Mandatory provisions in protective order.**

(b) The protective order must prohibit the respondent from possessing any firearm or ammunition.

(c) The protective order must inform the respondent that he or she is prohibited from possessing any firearm or ammunition and that possession of a firearm or ammunition while subject to the court's protective order is a criminal offense under state and federal law, notwithstanding the fact that the respondent might otherwise have a right to possess a firearm.

**Chapter 53 – Extraordinary Remedies**  
**Article 8 – Personal Safety Orders**

**Section 53-8-5. Temporary personal safety orders.**

(a) Authorized; forms of relief available.

(1) If after a hearing on a petition, whether ex parte or otherwise, a magistrate finds that there is reasonable cause to believe that the respondent has committed an act specified in subsection (a), section four [§ 53-8-4] of this article, against the petitioner, the magistrate shall issue a temporary personal safety order to protect the petitioner.

(2) The temporary personal safety order may include any or all of the following relief:

(F) The court, in its discretion, may prohibit a respondent from possessing a firearm as defined in section seven [§ 61-7-7], article seven, chapter sixty-one of this code if:

(i) A weapon was used or threatened to be used in the commission of the offense predicated the petitioning for the personal safety order;

(ii) The respondent has violated any prior order as specified under this article; or

(iii) The respondent has been convicted of an offense involving the use of a firearm;

**Section 53-8-7. Personal safety hearing; forms of relief.**

(d) Personal safety order - Forms of relief.

(F) The court, in its discretion, may prohibit a respondent from possessing a firearm as defined in section seven [§ 61-7-7], article seven, chapter sixty-one of this code if:

(i) A weapon was used or threatened to be used in the commission of the offense predicated the petitioning for the personal safety order;

(ii) The respondent has violated any prior order as specified under this article; or

(iii) The respondent has been convicted of an offense involving the use of a firearm;

**Chapter 61 – Crimes and Their Punishment.**  
**Article 3E – Offenses Involving Explosives**

**Section 61-3E-1. Definitions.**

As used in this article, unless the context otherwise requires:

**(a) "Destructive device"** means any bomb, grenade, mine, rocket, missile, pipebomb or similar device containing an explosive, incendiary, explosive gas or expanding gas which is designed or so constructed as to explode by such filler and is capable of causing bodily harm or property damage; any combination of parts, either designed or intended for use in converting any device into a destructive device and from which a destructive device may be readily assembled.

"Destructive device" does not include a firearm as such is defined in section two [§ 61-7-2], article seven of this chapter, or sparkling devices, novelties, toy caps, model rockets and their components or fireworks as these terms are defined in section two [§ 29-3E-2], article three-e, chapter twenty-nine of this code, or high power rockets and their components, as defined in this section.

**(e) "Incendiary device"** means a container containing gasoline, kerosene, fuel oil, or derivative thereof, or other flammable or combustible material, having a wick or other substance or device which, if set or ignited, is capable of igniting such gasoline, kerosene, fuel oil, or derivative thereof, or other flammable or combustible material: Provided, That no similar device commercially manufactured and used solely for the purpose of illumination shall be deemed to be an incendiary device.

### **Section 61-3E-3. Illegal possession of destructive devices, explosive materials or incendiary devices; penalty.**

Any person who possesses or manufactures any explosive material without first obtaining a permit to use explosives from the office of the state fire marshal or who possesses or manufactures any destructive device or incendiary device shall be guilty of a felony and, upon conviction thereof, shall be committed to the custody of the Division of Corrections for not less than one nor more than ten years or fined not more than five thousand dollars, or both.

### **Section 61-3E-11. Exemptions.**

**(b)** Unless specifically prohibited by any other provision of this code or the laws of the United States, nothing in this section prohibits the authorized manufacture, transportation, distribution, use or possession of any explosive, destructive device or incendiary device by a member of the armed forces or law-enforcement officers whenever such persons are acting lawfully and in the line of duty; nor shall it prohibit the manufacture, transportation, distribution, use or possession of any explosive material, destructive device or incendiary device to be used solely for lawful scientific research or lawful educational purposes. Any person engaged in otherwise lawful blasting activities failing to obtain a permit or in possession of an expired permit issued by the office of the State Fire Marshal is not in violation of the article.

## **Article 7 – Dangerous Weapons.**

### **Section 61-7-2. Definitions.**

As used in this article, unless the context otherwise requires:

**(7) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(8) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(9) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term "deadly weapon" shall include, but not be limited to, the instruments defined in subdivisions (1) through (8), inclusive, of this section or other deadly weapons of like kind or character which may be easily concealed on or about the person. ... Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(10) "Concealed"** means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried. For purposes of concealed handgun licensees, a licensee shall be deemed to be carrying on or about his or her person while in or on a motor vehicle if the firearm is located in a storage area in or on the motor vehicle.

**(12) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

### **Section 61-7-4. License to carry deadly weapons; how obtained.**

**(a)** Except as provided in subsection (h) of this section, any person desiring to obtain a state license to carry a concealed deadly weapon shall apply to the sheriff of his or her county for the license, and pay to the sheriff, at the time of application, a fee of \$25, of which \$15 of that amount shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code. Concealed weapons license may only be issued for pistols and revolvers. Each applicant shall file with the sheriff a complete application, as prepared by the Superintendent of the West Virginia State Police, in writing, duly verified, which sets forth only the following licensing requirements:

**(1)** The applicant's full name, date of birth, Social Security number, a description of the applicant's physical features, the applicant's place of birth, the applicant's country of citizenship and, if the applicant is not a United States citizen, any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement, and any basis, if applicable, for an exception to the prohibitions of 18 U. S. C. § 922(g)(5)(B);

**(2)** That, on the date the application is made, the applicant is a bona fide United States citizen or legal resident thereof and resident of this state and of the county in which the application is made and has a valid driver's license or other state-issued photo identification showing the residence;

**(3)** That the applicant is 21 years of age or older;

**(4)** That the applicant is not addicted to alcohol, a controlled substance or a drug and is not an unlawful user thereof as evidenced by either of the following within the 3 years immediately prior to the application:

**(A)** Residential or court-ordered treatment for alcoholism or alcohol detoxification or drug treatment; or

**(B)** Two or more convictions for driving while under the influence or driving while impaired;

**(5)** That the applicant has not been convicted of a felony unless the conviction has been expunged or set aside or the applicant's civil rights have been restored or the applicant has been unconditionally pardoned for the offense;

**(6)** That the applicant has not been convicted of a misdemeanor crime of violence other than an offense set forth in subdivision (7) of this section in the 5 years immediately preceding the application;

**(7)** That the applicant has not been convicted of a misdemeanor crime of domestic violence as defined in 18 U. S. C. § 921(a)(33), or a misdemeanor offense of assault or battery either under § 61-2-28 of this chapter or subsection (b) or (c), § 61-2-9 of this chapter in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense, or a misdemeanor offense with similar essential elements in a jurisdiction other than this state;

**(8)** That the applicant is not under indictment for a felony offense or is not currently serving a sentence of confinement, parole, probation or other court-ordered supervision imposed by a court of any jurisdiction or is the subject of an emergency or temporary domestic violence protective order or is the subject of a final domestic violence protective order entered by a court of any jurisdiction;

**(9)** That the applicant has not been adjudicated to be mentally incompetent or involuntarily committed to a mental institution. If the applicant has been adjudicated mentally incompetent or involuntarily committed the applicant must provide a court order reflecting that the applicant is no longer under such disability and the applicant's right to possess or receive a firearm has been restored;

**(10)** That the applicant is not prohibited under the provisions of § 61-7-7 of this article or federal law, including 18 U. S. C. § 922(g) or (n), from receiving, possessing or transporting a firearm;

**(11)** That the applicant has qualified under the minimum requirements set forth in subsection (d) of this section for handling and firing the weapon: Provided, That this requirement shall be waived in the case of a renewal applicant who has previously qualified; and

**(12)** That the applicant authorizes the sheriff of the county, or his or her designee, to conduct an investigation relative to the information contained in the application.

**(b)** For both initial and renewal applications, the sheriff shall conduct an investigation including a nationwide criminal background check consisting of inquiries of the National Instant Criminal Background Check System, the West Virginia criminal history record responses and the National Interstate Identification Index and shall review the information received in order to verify that the information required in subsection (a) of this section is true and correct. A license may not be issued unless the issuing sheriff has verified through the National Instant Criminal Background Check System that the information available to him or her does not indicate that receipt or possession of a firearm by the applicant would be in violation of the provisions of section 7 of this article or federal law, including 18 U. S. C. § 922(g) or (n).

**(d)** All persons applying for a license must complete a training course in handling and firing a handgun, which includes the actual live firing of ammunition by the applicant. The successful completion of any of the following courses fulfills this training requirement: Provided, That the completed course includes the actual live firing of ammunition by the applicant:

**(1)** Any official National Rifle Association handgun safety or training course;

**(2)** Any handgun safety or training course or class available to the general public offered by an official law-enforcement organization, community college, junior college, college or private or public institution or organization or handgun training school utilizing instructors certified by the institution;

**(3)** Any handgun training or safety course or class conducted by a handgun instructor certified as such by the state or by the National Rifle Association;

**(4)** Any handgun training or safety course or class conducted by any branch of the United States military, reserve or National Guard or proof of other handgun qualification received while serving in any branch of the United States military, reserve or National Guard.

A photocopy of a certificate of completion of any of the courses or classes or an affidavit from the instructor, school, club, organization or group that conducted or taught the course or class attesting to the successful completion of the course or class by the applicant or a copy of any document which shows successful completion of the course or class is evidence of qualification under this section and shall include the instructor's name, signature and NRA or state instructor identification number, if applicable.

**(e)** All concealed weapons license applications must be notarized by a notary public duly licensed under §§ 29-4-1 et seq. of this code. Falsification of any portion of the application constitutes false swearing and is punishable under § 61-5-2 of this code.

**(f)** The sheriff shall issue a license unless he or she determines that the application is incomplete, that it contains statements that are materially false or incorrect or that applicant otherwise does not meet the requirements set forth in this section. The sheriff shall issue, reissue or deny the license within 45 days after the application is filed if all required background checks authorized by this section are completed.

**(g)** Before any approved license is issued or is effective, the applicant shall pay to the sheriff a fee in the amount of \$ 25 which the sheriff shall forward to the Superintendent of the West Virginia State Police within 30 days of receipt. The license is valid for 5 years throughout the state, unless sooner revoked.

**(h)** Each license shall contain the full name and address of the licensee and a space upon which the signature of the licensee shall be signed with pen and ink. The issuing sheriff shall sign and attach his or her seal to all license cards. The sheriff shall provide to each new licensee a duplicate license card, in size similar to other state identification cards and licenses, suitable for carrying in a wallet, and the license card is considered a license for the purposes of this section. All duplicate license cards issued on or after July 1, 2017, shall be uniform across all 55 counties in size, appearance and information and shall feature a photograph of the licensee.

**(i)** The Superintendent of the West Virginia State Police, in cooperation with the West Virginia Sheriffs' Bureau of Professional Standards, shall prepare uniform applications for licenses and license cards showing that the license has been granted and shall do any other act required to be done to protect the state and see to the enforcement of this section.

**(j)** If an application is denied, the specific reasons for the denial shall be stated by the sheriff denying the application. Any person denied a license may file, in the circuit court of the county in which the application was made, a petition seeking review of the denial. The petition shall be filed within 30 days of the denial. The court shall then determine whether the applicant is entitled to the issuance of a license under the criteria set forth in this section. The applicant may be represented by counsel, but in no case is the court required to appoint counsel for an applicant. The final order of the court shall include the court's findings of fact and conclusions of law. If the final order upholds the denial, the applicant may file an appeal in accordance with the Rules of Appellate Procedure of the Supreme Court of Appeals. If the findings of fact and conclusions of law of the court fail to uphold the denial, the applicant may be entitled to reasonable costs and attorney's fees, payable by the sheriff's office which issued the denial.

**(k)** If a license is lost or destroyed, the person to whom the license was issued may obtain a duplicate or substitute license for a fee of \$5 by filing a notarized statement with the sheriff indicating that the license has been lost or destroyed.

**(l)** Whenever any person after applying for and receiving a concealed weapon license moves from the address named in the application to another county within the state, the license remains valid for the remainder of the 5 years unless the sheriff of the new county has determined that the person is no longer eligible for a concealed weapon license under this article, and the sheriff shall issue a new license bearing the person's new address and the original expiration date for a fee not to exceed \$5: Provided, That the licensee, within 20 days thereafter, notifies the sheriff in the new county of residence in writing of the old and new addresses.

**(m)** The sheriff shall, immediately after the license is granted as aforesaid, furnish the Superintendent of the West Virginia State Police a certified copy of the approved application. The sheriff shall furnish to the Superintendent of the West Virginia State Police at any time so requested a certified list of all licenses issued in the county. The Superintendent of the West Virginia State Police shall maintain a registry of all persons who have been issued concealed weapons licenses.

**(n)** The sheriff shall deny any application or revoke any existing license upon determination that any of the licensing application requirements established in this section have been violated by the licensee.

**(o)** A person who is engaged in the receipt, review or in the issuance or revocation of a concealed weapon license does not incur any civil liability as the result of the lawful performance of his or her duties under this article.

**(p)** Notwithstanding subsection (a) of this section, with respect to application by an honorably discharged veteran of the armed forces of the United States or a former law-enforcement officer honorably retired from agencies governed by §§ 7-

14-1 et seq. of this code; §§ 8-14-1 et seq. of this code; §§ 15-2-1 et seq. of this code; and §§ 20-7-1 et seq. of this code, an honorably retired officer or an honorably discharged veteran of the armed forces of the United States is exempt from payment of fees and costs as otherwise required by this section. All other application and background check requirements set forth in this section are applicable to these applicants.

**(q)** Information collected under this section, including applications, supporting documents, permits, renewals or any other information that would identify an applicant for or holder of a concealed weapon license, is confidential: Provided: That this information may be disclosed to a law-enforcement agency or officer: (i) To determine the validity of a license; (ii) to assist in a criminal investigation or prosecution; or (iii) for other lawful law-enforcement purposes. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 or more than \$200 for each offense.

**(r)** A person who pays fees for training or application pursuant to this article after the effective date of this section is entitled to a tax credit equal to the amount actually paid for training not to exceed \$50: Provided, That if such training was provided for free or for less than \$50, then such tax credit may be applied to the fees associated with the initial application.

**(s)** Except as restricted or prohibited by the provisions of this article or as otherwise prohibited by law, the issuance of a concealed weapon license issued in accordance with the provisions of this section authorizes the holder of the license to carry a concealed pistol or revolver on the lands or waters of this state.

#### **Section 61-7-5. Revocation of license.**

A license to carry a deadly weapon shall be deemed revoked at such time as the person licensed becomes unable to meet the criteria for initial licensure set forth in section 4 of this article. Any person licensed under the provisions of this article shall immediately surrender his or her license to the issuing sheriff upon becoming ineligible for continued licensure.

#### **Section 61-7-7. Persons prohibited from possessing firearms; classifications; right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; offenses and penalties; reinstatement of rights to possess; offenses; penalties.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in § 61-7-2 of this article, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding o1 year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of §§ 27-1-1 et seq. of this code or in similar law of another jurisdiction: Provided, That once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession: Provided, however, That the mental hygiene commissioner or circuit judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**(A)** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**(B)** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**(C)**

**(i)** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**(ii)** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of § 61-2-28 of this chapter or the provisions of subsection (b) or (c), § 61-2-9 of said article or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner,

person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(f)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: Provided, That a person prohibited from possessing a firearm by the provisions of subdivision (4), subsection (a) of this section may petition to regain the ability to possess a firearm in accordance with the provisions of § 61-7A-5 of this chapter.

**(g)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 61-7-8. Possession of deadly weapons by minors; prohibitions.**

Notwithstanding any other provision of this article to the contrary, a person under the age of 18 years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: Provided, That a minor may possess a firearm upon premises owned by said minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property: Provided, however, That nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

A violation of this section by a person under the age of 18 years shall subject the child to the jurisdiction of the circuit court under the provisions of § 49-4-701 through § 49-4-725 of this code, and the minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 61-7-9. Possession of machine guns, penalties.**

It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, submachine gun, or any other fully automatic weapon unless he or she has fully complied with applicable federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 61-7-10. Deadly weapons for sale or hire; sale to prohibited persons; penalties.**

**(b)** A person may not knowingly sell, rent, give or lend, or, where the person is other than a natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend, any deadly weapon other than a firearm to a person prohibited from possessing a deadly weapon other than a firearm by any provision of this article.

**(c)** A person may not knowingly sell, rent, give or lend, or where the person is other than a natural person, knowingly permit an employee thereof to knowingly sell, rent, give or lend a firearm or ammunition to a person prohibited by any provision of this article or the provisions of 18 U.S.C. §922.

**(e)** Any person who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States is guilty of a felony. Any person who willfully procures another to engage in conduct prohibited by this subsection shall be punished as a principal. This subsection does not apply to a law-enforcement officer acting in his or her official capacity. Any person who violates the provisions of this subsection is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, imprisoned in a state correctional facility for a definite term or not less than one year nor more than five years, or both fined and imprisoned.

#### **Section 61-7-11a. Possessing deadly weapons on premises of educational facilities; reports by school principals; suspension of driver's license; possessing deadly weapons on premises housing courts of law and family law courts.**

**(b)**

**(1)** It is unlawful to possess a firearm or other deadly weapon:

**(A)** On a school bus as defined in § 17A-1-1 of this code;

(B) In or on the grounds of any primary or secondary educational facility of any type: Provided, That it shall not be unlawful to possess a firearm or other deadly weapon in or on the grounds of any private primary or secondary school, if such institution has adopted a written policy allowing for possession of firearms or other deadly weapons in the facility or on the grounds thereof;

(C) At a school-sponsored function that is taking place in a specific area that is owned, rented, or leased by the West Virginia Department of Education, the West Virginia Secondary Schools Activities Commission, a county school board, or local public school for the actual period of time the function is occurring.

(2) This subsection does not apply to:

(A) A law-enforcement officer employed by a federal, state, county, or municipal law-enforcement agency;

(B) Any probation officer appointed pursuant to § 62-12-5 or chapter 49 of this code in the performance of his or her duties;

(C) A retired law-enforcement officer who meets all the requirements to carry a firearm as a qualified retired law-enforcement officer under the Law-Enforcement Officer Safety Act of 2004, as amended, pursuant to 18 U.S.C. § 926C(c), carries that firearm in a concealed manner, and has on their person official identification in accordance with that act;

(D) A person, other than a student of a primary and secondary facility, specifically authorized by the board of education of the county or principal of the school where the property is located to conduct programs with valid educational purposes;

(E) A person who, as otherwise permitted by the provisions of this article, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;

(F) Programs or raffles conducted with the approval of the county board of education or school which include the display of unloaded firearms;

(G) The official mascot of West Virginia University, commonly known as the Mountaineer, acting in his or her official capacity;

(H) The official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his or her official capacity; or

(I) Any person, 21 years old or older, who has a valid concealed handgun permit may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a public school: Provided, That:

(i) When he or she is occupying the vehicle the person stores the handgun out of view from persons outside the vehicle; or

(ii) When he or she is not occupying the vehicle the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

#### **Section 61-7-17. Construction of article.**

Nothing in this article should be construed to abrogate or modify statutory provisions and common law decisions related to defense of self or others.

#### **Article 7A – State Mental Health Registry; Reporting of Persons Proscribed from Firearm Possession Due to Mental Condition to the National Instant Criminal Background Check System; Definitions; Reporting Requirements; Reinstatement of Rights Procedures.**

#### **Section 61-7A-2. Definitions.**

As used in this article and as the terms are deemed to mean in 18 U. S. C. § 922(g) and §61-7-7 of this chapter as each exists as of January 31, 2008:

(1) "**A person adjudicated as a mental defective**" means a person who has been determined by a duly authorized court, tribunal, board or other entity to be mentally ill to the point where he or she has been found to be incompetent to stand trial due to mental illness or insanity, has been found not guilty in a criminal proceeding by reason of mental illness or insanity or has been determined to be unable to handle his or her own affairs due to mental illness or insanity. A child under 14 years of age is not considered "a person adjudicated as a mental defective" for purposes of this article.

(2) "**Committed to a mental institution**" means to have been involuntarily committed for treatment pursuant to the provisions of §§27-1-1 et seq. of this code. Children under 14 years of age are not considered "committed to a mental

institution" for purposes of this article. "Committed to a mental institution" does not mean voluntary admission for mental health treatment.

**(3) "Mental institution"** means any facility or part of a facility used for the treatment of persons committed for treatment of mental illness.

#### **Section 61-7A-5. Petition to regain right to possess firearms.**

**(a)** Any person who is prohibited from possessing a firearm pursuant to the provisions of § 61-7-7 of this chapter or by provisions of federal law by virtue solely of having previously been adjudicated to be mentally defective or to having a prior involuntary commitment to a mental institution pursuant to §§ 27-1-1 et seq. of this code may petition the circuit court of the county of his or her residence to regain the ability to lawfully possess a firearm.

**(b)** Petitioners prohibited from possession of firearms due to a mental health disability, must include in the petition for relief from disability:

**(1)** A listing of facilities and location addresses of all prior mental health treatment received by petitioner;

**(2)** An authorization, signed by the petitioner, for release of mental health records to the prosecuting attorney of the county; and

**(3)** A verified certificate of mental health examination by a licensed psychologist or psychiatrist occurring within 30 days prior to filing of the petition which supports that the petitioner is competent and not likely to act in a manner dangerous to public safety.

**(c)** The court may only consider petitions for relief due to mental health adjudications or commitments that occurred in this state, and only give the relief specifically requested in the petition.

**(d)** In determining whether to grant the petition, the court shall receive and consider at a minimum evidence:

**(1)** Concerning the circumstances regarding the firearms disabilities imposed by 18 U.S.C. § 922(g)(4);

**(2)** The petitioner's record which must include the petitioner's mental health and criminal history records; and

**(3)** The petitioner's reputation developed through character witness statements, testimony, or other character evidence.

**(e)** If the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibilities concomitant with the possession of a firearm, will not be likely to act in a manner dangerous to public safety, and that granting the relief will not be contrary to public interest, the court may enter an order allowing the petitioner to possess a firearm. If the order denies petitioner's ability to possess a firearm, the petitioner may appeal the denial, which appeal is to include the record of the circuit court rendering the decision.

**(g)** The prosecuting attorney or one of his or her assistants shall represent the state in all proceedings for relief to regain firearm rights and provide the court the petitioner's criminal history records.

**(h)** The written petition, certificate, mental health or substance abuse treatment records and any papers or documents containing substance abuse or mental health information of the petitioner, filed with the circuit court, are confidential. These documents may not be open to inspection by any person other than the prosecuting attorney or one of his or her assistants only for purposes of representing the state in and during these proceedings and by the petitioner and his or her counsel. No other person may inspect these documents, except upon authorization of the petitioner or his or her legal representative or by order of the court, and these records may not be published except upon the authorization of the petitioner or his or her legal representative.

**(i)** The circuit clerk of each county shall provide the Superintendent of the West Virginia State Police, or his or her designee, and the Administrator of the West Virginia Supreme Court of Appeals, or his or her designee, with a certified copy of any order entered pursuant to the provisions of this section which removes a petitioner's prohibition to possess firearms. If the order restores the petitioner's ability to possess a firearm, petitioner's name shall be promptly removed from the central state mental health registry and the superintendent or administrator shall forthwith inform the Federal Bureau of Investigation, the United States Attorney General, or other federal entity operating the National Instant Criminal Background Check System of the court action.

### **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.**

##### **Part III – General Powers of Municipalities and Governing Bodies.**

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

(a) Neither a municipality nor the governing body of any municipality may, by ordinance or otherwise, limit the right of any person to purchase, possess, transfer, own, carry, transport, sell, or store any deadly weapon, firearm, or pepper spray, or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to directly or indirectly prohibit the ownership of the ammunition in any manner inconsistent with or in conflict with state law.

(b) For the purposes of this section:

(1) "Deadly weapon" has the meaning provided in §61-7-2 of this code.

(2) "Firearm" has the meaning provided in §61-7-2 of this code.

(h) This section does not:

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

**Barboursville Code of Ordinances**

Current through March 3, 2020.

**Part Five – General Offenses Code  
Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

(g) "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(h) "Revolver" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

(i) "Deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

(k) "Firearm" means any weapon which will expel a projectile by action of an explosion.

(l) "Controlled substance" has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

(m) "Drug" has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

**Section 545.04. Persons prohibited from possession of fire arms.**

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is habitually addicted to alcohol;

(3) Is an unlawful user of or habitually addicted to any controlled substance;

(4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Beckley Code of Ordinances**

Current through July 9, 2019. (Supplement 29)

## **Chapter 10 – Offenses and Miscellaneous Provisions Article I – In General**

**Section 10.48. Same, Sale or rental of weapons to minors under eighteen.**

It shall be unlawful for any person to rent or sell any machine gun, high-powered rifle or any gun of similar kind or character, or revolver, pistol, dirk, bowie knife or other dangerous weapon of like kind or character, or any ammunition for any such weapon, to any person under the age of eighteen (18) years, unless at the time of such rental or sale such minor shall be accompanied by one or both of such minor's parents or by the minor's legal guardian.

**Bluefield Code of Ordinances**

Current through November 12, 2019. (Supplement 6)

**Chapter 8 – Businesses and Business Regulations**

**Article I – In General**

**Section 8-41. Weapons.**

A license shall be required to sell or expose for sale pistols, revolvers, dirks, slingshots, billies, bowie knives, false knuckles or weapons of any kind, the annual fee for which shall be \$25.00.

**Article X Pawnbrokers and Itinerant Dealers in Precious Metals**

**Section 8-329. Same, for weapons sales.**

In a separate register or book there shall also be recorded all sales made by the pawnbroker of guns, pistols and other deadly weapons, including the name, make and serial number of the article sold and the name, age and address of the purchaser. Itinerant dealers in precious metals shall have no obligation to comply with this section.

**Bridgeport Code of Ordinances**

Current through October 1, 2018.

**Part Five – General Offenses Code  
Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

**Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or

possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

A. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

B. Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

C.

1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Charleston Code of Ordinances**  
Current through Bill Number 7868, enacted March 2, 2020. (Supplement 39)

**Chapter 78 – Offenses and Miscellaneous Provisions**  
**Article III – Offenses Involving Public Safety**  
**Division 2 – Weapons**

**Section 78-169. Possession by persons under age 16.**

No person under the age of 16 years shall carry or have in his possession upon any street, park or other public space in the city any gun, pistol, rifle, airgun, beanshooter, sling or other dangerous weapon of any character. Nothing in this section shall be so construed as to prohibit members of duly authorized military, cadet corps or similar organizations from the proper use of their guns and other equipment as members of such organizations.

**Charles Town Code of Ordinances**  
Current through August 20, 2018.  
**Part Five – General Offenses Code**  
**Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

**Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4-701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Clarksburg Code of Ordinances**  
Current through January 1, 2020.

**Part Five – General Offenses Code**  
**Article 545 – Weapons**

**Section 545.03. Display of dangerous weapons; reporting purchases.**

No person shall place or keep on public display for rent or sale to passers-by on a street, road or alley, any revolver, pistol, dirk, bowie knife, sling shot or any other dangerous weapon of like kind or character, any machine gun, submachine gun or high-powered rifle, any gun of similar kind or character or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber and report the same at once in writing to the Police Chief.

**Section 545.05. Sale to persons under sixteen prohibited.**

No person shall sell, offer or give to any child or children under the age of sixteen years, firearms, gunpowder, gun caps, fireworks or other explosives of like kind.

**Dunbar Code of Ordinances**  
Current through July 30, 2019.

**Part Five – General Offenses Code**  
**Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

**Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

A. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

B. Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

C.

1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

**No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same. Eleanor Code of Ordinances**

Current through August 1, 2019.

## Article 545 – Weapons and Explosives

### Section 545.01. Definitions.

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

### Section 545.04. Persons prohibited from possession of firearms.

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the

offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

**Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4-701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Fairmont Code of Ordinances**  
Current through January 1, 2020.

**Part Five – General Offenses Code**  
**Article 545 – Weapons**

**Section 545.03. Display of dangerous weapons; reporting purchases.**

No person shall place or keep on public display for rent or sale to passers-by on a street, road or alley, any revolver, pistol, dirk, bowie knife, sling shot or any other dangerous weapon of like kind or character, any machine gun, submachine gun or high-powered rifle, any gun of similar kind or character or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber and report the same at once in writing to the Police Chief.

**Fayetteville Code of Ordinances**  
Current through July 22, 2019.

**Part Five – General Offenses Code**  
**Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

**Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same

essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

#### **Section 545.13. Sale to intoxicated persons; minors.**

No person or dealer licensed under this article shall sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability, or to a minor under the age of eighteen years or to an unnaturalized person.

### **Granville Code of Ordinances**

Current through May 17, 2019.

#### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in

subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Part Five, Article 545, Section 545.01 of this Code, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Section 27-1-1 or in similar law of another jurisdiction: Provided, That once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession.

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening or intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**(i)** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**(ii)** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provision of West Virginia Code Section 61-2-28 or the provisions of subsection (b) or (c), of West Virginia Code Section 61-2-9 or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

Any person who violates the provisions of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500 or confined in the county jail for not more than thirty (30) days or both.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a

firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4-701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

#### **Section 545.14. Sale of dangerous weapons.**

(a) License Required. No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapons, including but not by way of limitation, any revolver, pistol, dirk, bowie knife, sling shot, billies, metallic or false knuckles or other weapons of like kind within the Town without first obtaining a license to engage in any such business.

(b) Application. Any person desiring to obtain a license as required by subsection (a) hereof, shall apply to the Mayor for such license upon an application form provided by the Mayor, which form shall provide the following information:

- (1) Name of business;
- (2) Location of business;
- (3) Ownership of business;
- (4) Types of weapons to be sold;
- (5) Convictions of any felony or misdemeanor;
- (6) Such other information as the Finance Director may reasonably require.

(c) Fee; License Year. The annual license fee for the license required by subsection (a) hereof shall be one dollar (\$1.00) and the license year shall begin on July 1 of each year.

(d) Transferability. No license as required by subsection (a) hereof shall be transferable from one person to another or from one business location to another.

(e) Display. The license required by subsection (a) hereof shall be prominently displayed at all times within the business location for which it was issued.

(f) Records and Reports. Every person licensed under this section and engaged in the sale, rental or exchange of any weapon described in this section shall keep a record of each such weapon purchased, sold, rented or exchanged at retail. The record so required shall be made at the time of the transaction in a book kept for that purpose and shall include the name of the person to whom such weapon is sold or from whom such weapon is purchased; his age, physical description, occupation and address; the make, caliber and finish of the firearm, together with the serial number thereof; or other appropriate description of the weapon; the date of the purchase, sale, rental or exchange of such weapon; and name of the employee or person making such sale, rental or exchange.

(g) In addition to the foregoing record every such licensed person or dealer shall deliver daily reports to the Chief of Police of every such purchase, sale, loan or exchange. Such report shall be on forms provided by the Police Department and shall set forth the name, age, address, physical description and occupation of the person to whom or from whom such gun, pistol, firearm or other deadly weapon has been purchased, sold, loaned or given and together therewith the make of such weapon, caliber, manufacturer's serial number or other appropriate description of such weapon.

#### **Section 545.15. Sale to intoxicated persons; minors.**

No person or dealer licensed under this article shall sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years or to an unnaturalized person.

**Huntington Code of Ordinances**  
Current through September 24, 2018.

**Part Five – General Offenses Code**  
**Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of W. Va. Code, §§ 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of W. Va. Code, §§ 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in W. Va. Code, § 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in W. Va. Code, § 61A-1-101(l).

**Section 545.04. Persons prohibited from possession of deadly weapons.**

**(a)** Except as provided for in this section, no person shall possess a firearm such as is defined in section 545.01 who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is addicted to alcohol;

**(3)** Is an unlawful user of or addicted to any controlled substance;

**(4)** Has been adjudicated as a mental defective or who has been involuntarily committed to a mental institution;

**(5)** Being an alien is illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted in any court of a misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law.

### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of 18 years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon; provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of 18 years shall subject the child to the jurisdiction of the circuit court under the provisions of W. Va. Code, § 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

## **Hurricane Code of Ordinances** Current through August 6, 2018. (Supplement 11)

### **Part Five – General Offenses Code** **Article 545 – Weapons and Explosives**

### **Section 545.01. Definitions.**

As used in this Article, unless the context otherwise requires:

(g) **Pistol** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(h) **Revolver** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

(i) **Deadly weapon** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "**deadly weapon**" includes, but is not limited to, the instruments defined in subsections (a) to (h) of this section, or other deadly weapons of like kind or character which may be easily concealed on or about the person.

(k) **Firearm** means any weapon which will expel a projectile by action of an explosion.

(l) **Controlled substance** has the same meaning as is ascribed to that term in W. Va. Code, 60A-1-101(d).

(m) **Drug** has the same meaning as is ascribed to that term in W. Va. Code, 60A-1-101(l).

### **Section 545.04. Persons prohibited from possession of firearms.**

(a) Except as provided in this section, no person shall possess a firearm as such is defined in Section 545.01 who:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is addicted to alcohol;

(3) Is an unlawful user of or addicted to any controlled substance;

(4) Has been adjudicated as a mental defective or who has been involuntarily committed to a mental institution;

(5) Being an alien is illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

- a. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;
- b. Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- c.

- 1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
- 2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery under either the provisions of W. Va. Code, 61-2-28, or the provisions of W. Va. Code, 61-2-9(b) or (c), in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this Article to the contrary, a person under the age of 18 years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his parent or guardian and in the case of property other than his own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he may lawfully possess such weapon.

(b) A violation of this section by a person under the age of 18 years shall subject the child to the jurisdiction of the circuit court under the provisions of W. Va. Code, 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Keyser Code of Ordinances**

Current through September 1, 2019.

### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

(g) "**Pistol**" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(h) "**Revolver**" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4-701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Lewisburg Code of Ordinances**

Current through July 1, 2019.

#### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

(g) "**Pistol**" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(h) "**Revolver**" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

(i) "**Deadly weapon**" means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

(k) "**Firearm**" means any weapon which will expel a projectile by action of an explosion.

(l) "**Controlled substance**" has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

(m) "**Drug**" has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is habitually addicted to alcohol;

(3) Is an unlawful user of or habitually addicted to any controlled substance;

(4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4-701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

## **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Mannington Code of Ordinances**

Current through March 18, 2019.

### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

## **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

## **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4- 701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Martinsburg Code of Ordinances**

Current through January 1, 2020.

#### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

**Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 545.06. Possession of machine guns.**

(a) No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Montgomery Code of Ordinances**  
Current through February 11, 2020. (Supplement 8)

**Chapter 12 – Fire Protection**  
**Article III – Fire Prevention Code**

**Section 12-38. Code does not authorize manufacture of explosives or issuance of permit therefor.**

Section 12.3 of the Fire Prevention Code shall not be construed to authorize the issuance of a permit to manufacture any ammunition, blasting agent or other explosive defined and regulated therein at any place within the city or within the police jurisdiction of the city.

**Chapter 18 – Offenses, Miscellaneous**

**Section 18-66. Weapons and explosives, restrictions applicable to minors under age sixteen, and restrictions as to firing of weapons and explosives.**

(a) No person under the age of sixteen years shall carry or have in his possession upon any street, park or other public space in the city any gun, pistol, rifle, airgun, beanshooter, bow and arrow, slingshot or other dangerous weapon of any character; provided, that nothing in this section shall be construed to prohibit any person under the age of sixteen years from carrying within the city a cased weapon while en route to or returning from lawful hunting grounds during any lawful hunting season and be then lawfully qualified to hunt.

**Morgantown Code of Ordinances**  
Current through December 4, 2018.

**Part Five – General Offenses Code**  
**Article 545 – Weapons**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

(g) "**Pistol**" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(h) "**Revolver**" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(c)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

**Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Section 545.14. Sale of dangerous weapons.**

**(a)** License Required. No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapons, including but not by way of limitation, any revolver, pistol, dirk, bowie knife, sling shot, billies, metallic or false knuckles or other weapons of like kind within the City without first obtaining a license to engage in any such business.

**(b)** Application. Any person desiring to obtain a license as required by subsection (a) hereof, shall apply to the Finance Director for such license upon an application form provided by the Finance Director, which form shall provide the following information:

- (1)** Name of business;
- (2)** Location of business;
- (3)** Ownership of business;
- (4)** Types of weapons to be sold;
- (5)** Convictions of any felony or misdemeanor;
- (6)** Such other information as the Finance Director may reasonably require.

**(c)** Fee; License Year. The annual license fee for the license required by subsection (a) hereof shall be one dollar (\$1.00) and the license year shall begin on July 1 of each year.

**(d)** Transferability. No license as required by subsection (a) hereof shall be transferable from one person to another or from one business location to another.

**(e)** Display. The license required by subsection (a) hereof shall be prominently displayed at all times within the business location for which it was issued.

**(f)** Records and Reports. Every person licensed under this section and engaged in the sale, rental or exchange of any weapon described in this section shall keep a record of each such weapon purchased, sold, rented or exchanged at retail. The record so required shall be made at the time of the transaction in a book kept for that purpose and shall include the name of the person to whom such weapon is sold or from whom such weapon is purchased; his age, physical description, occupation and address; the make, caliber and finish of the firearm, together with the serial number thereof; or other appropriate description of the weapon; the date of the purchase, sale, rental or exchange of such weapon; and name of the employee or person making such sale, rental or exchange.

In addition to the foregoing record every such licensed person or dealer shall deliver daily reports to the Chief of Police of the City of every such purchase, sale, loan or exchange. Such report shall be on forms provided by the Police Department and shall set forth the name, age, address, physical description and occupation of the person to whom or from whom such gun, pistol, firearm or other deadly weapon has been purchased, sold, loaned or given and together therewith the make of such weapon, caliber, manufacturer's serial number or other appropriate description of such weapon.

#### **Section 545.15. Sale to intoxicated persons; minors.**

No person or dealer licensed under this article shall sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years or to an unnaturalized person.

### **Moundsville Code of Ordinances**

Current through May 1 2019.

#### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Part Seven Business and Taxation Code Chapter Three Taxation and Service Charges Article 741 – License Taxes**

#### **Section 741.01. Activities licensed.**

All persons engaged in trades, businesses, professions, or occupations in the City of Moundsville, or the activities and privileges otherwise listed in this article shall be licensed in accord with the provisions of this article. No person shall carry on any activity hereinafter mentioned, upon which a fee is imposed, without payment of such license fee. The payment in full of the proper fee, the issuance of a license certificate under the provisions of this article and the fulfillment of all terms and conditions of such grant shall be conditions precedent to the carrying on of any activity for which a license is required by this article; provided, however, that no such license certificate shall be issued to any applicant who owes a prior, delinquent financial debt to the City resulting from the nonpayment of any tax, fee, lien, service charge or other assessment. In the event such an applicant has entered into payment arrangements acceptable to the City to pay such prior, delinquent, financial debt, a license shall be issued contingent upon compliance with such payment arrangements.

#### **Section 741.09. Weapons, selling.**

The annual license fee to sell or offer for sale pistols, revolvers, dirks, slingshots, billies, bowie knives, or other weapons of like kind, shall be ten dollars (\$10.00). No license shall be issued without the prior certification of the Chief of Police.

**Part Five – General Offenses Code**  
**Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

**Section 545.04. Persons Prohibited from Possession of Firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited,

a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4-701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **New Martinsville Code of Ordinances Current through May 21, 2018.**

#### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned

by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.06. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.07. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with

the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 545.08. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 545.09. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for ~~same~~.

**Oak Hill Code of Ordinances**  
Current through September 11, 2017.

**Title 6 – Offenses Code**  
**Chapter 6.22 – Weapons and Explosives**

**Section 6.22.010. Definitions.**

As used in this chapter, unless the context otherwise requires:

- G. "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- H. "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
- I. "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in Parts A to H hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of W. Va. Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in Part C hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of W. Va. Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.
- K. "Firearm"** means any weapon which will expel a projectile by action of an explosion.
- L. "Controlled substance"** has the same meaning as is ascribed to that term in W. Va. Code 61A-1-101(d).
- M. "Drug"** has the same meaning as is ascribed to that term in W. Va. Code 61A-1-101(l).

**Section 6.22.040. Persons prohibited from possession of firearms.**

- A.** Except as provided in this section, no person shall possess a firearm, as such is defined in OHMC 6.22.010, who:
1. Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
  2. Is habitually addicted to alcohol;
  3. Is an unlawful user of or habitually addicted to any controlled substance;
  4. Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of W. Va. Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;
  5. Is an alien illegally or unlawfully in the United States;
  6. Has been discharged from the armed forces under dishonorable conditions;
  7. Is subject to a domestic violence protective order that:
    - a. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;
    - b. Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
    - c.
      - (1) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
      - (2) By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
  8. Has been convicted of a misdemeanor offense of assault or battery either under the provisions of W. Va. Code 61-2-28, or the provisions of W. Va. Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian,

the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**B.** Any person prohibited from possessing a firearm by the provisions of Part A of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of Part A,4 of this section may petition to regain the ability to possess a firearm in accordance with W. Va. Code 61-7A-5.

**D.** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

**Section 6.22.050. Possession of deadly weapons by minors prohibited.**

**A.** Notwithstanding any other provision of this chapter to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**B.** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of W. Va. Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 6.22.060. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 6.22.070. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Title 15 – Planning and Zoning Code  
Chapter 15.04 – Definitions**

**Section 15.04.010. Terms**

FX. Firearms Sales Establishment. An establishment primarily engaged in the sale of fire arms, ammunition and ammunition components, and hunting or shooting equipment.

**Chapter 15.10 – Districts Established and Zoning Map**

**Section 15.10.040. Land use table.**

**A.** The list of uses contained in the Land Use Table is adopted as the basic land use regulations for the City. The table, which may be generally referred to as the "Land Use Table," identifies the types of land uses that are permitted within the City.

**B.** To determine the zoning district(s) in which a particular land use is allowed, find the use in the list of uses along the left-hand side of the Land Use Table and read across the row to find the appropriate district column(s).

**C.** Legend:

- P - Use is permitted in a particular district.
- A - Use is permitted as an Accessory use in a particular district.
- C - Use is allowed as a conditional use in a particular district.
- Blank - Use is prohibited in a particular district.

**D.** The land uses listed in the Land Use Table are defined in OHMC 15.04.010, Terms of this title.

E. The supplemental land use regulations indicated in the far-right column of the Land Use Table are detailed in OHMC 15.38.

Land Use	R-R	R-1	R-2	R-3	B-R	B-1	B-2	B-3	IND	G-B	G-R	P-D	L-C	SUPP
Firearms Sales Establishments						C	P	P						OHMC 15.38.420

**Paden City Code of Ordinances**  
Current through August 12, 2019.

**Part Five – General Offenses Code**  
**Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

**Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

**Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Parkersburg Code of Ordinances**  
Current through February 28, 2020.

**Part Five – General Offenses Code**  
**Article 549 – Weapons**

**Section 549.01. Definitions.**

As used in this article, unless the context otherwise requires:

(g) "**Pistol**" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(h) "**Revolver**" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(1).

#### **Section 549.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided for in this section, no person shall possess a firearm such as is defined in Section 545.01 who:

- (1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2)** Is addicted to alcohol;
- (3)** Is an unlawful user of or addicted to any controlled substance;
- (4)** Has been adjudicated as a mental defective or who has been involuntarily committed to a mental institution;
- (5)** Being an alien is illegally or unlawfully in the United States;
- (6)** Has been discharged from the armed forces under dishonorable conditions;
- (7)** Is subject to a domestic violence protective order that:
  - A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;
  - B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - C.**
    - 1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
    - 2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (8)** Has been convicted in any court of a misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law.

#### **Section 549.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon : provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

## **Section 549.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

## **Section 549.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Princeton Code of Ordinances Current through October 31, 2017.**

#### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

## **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

## **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Ripley Code of Ordinances**

Current through July 16, 2019.

### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear

and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon : provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4- 701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **South Charleston Code of Ordinances** Current through February 20, 2020.

#### **Part Five – General Offenses Code** **Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

(g) "**Pistol**" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(h) "**Revolver**" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

(i) "**Deadly weapon**" means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18A-5-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18A-5-1a and 61-7-11a, "deadly weapon" includes explosive, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

(k) "**Firearm**" means any weapon which will expel a projectile by action of an explosion.

(l) "**Controlled substance**" has the same meaning as is ascribed to that term in West Virginia Code 60A-1-101.

(m) "**Drug**" has the same meaning as is ascribed to that term in West Virginia Code 60A-1-101.

#### **Section 545.04. Persons prohibited from possession of fire arms.**

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

- (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) Is habitually addicted to alcohol;
- (3) Is an unlawful user of or habitually addicted to any controlled substance;
- (4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter 27 or a similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;
- (5) Is an alien illegally or unlawfully in the United States;
- (6) Has been discharged from the armed forces under dishonorable conditions;
- (7) Is subject to a domestic violence protective order that:
  - A. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;
  - B. Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - C.
    1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
    2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9, or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon : provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Section 545.14. Parental responsibility; purchase for or gift to minor.**

**(b) Purchase For or Gift to Minor.** No person shall, without the permission of a parent or guardian of a minor child purchase for or make a gift to a minor child of any of the weapons, arms or implements described in Section 545.11 or 545.12.

## **St. Marys Code of Ordinances**

Current through April 16, 2019.

### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials.

Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

- A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;
- B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- C.**
  - 1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
  - 2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Star City Code of Ordinances**  
Current through August 1, 2019.

**Part Five – General Offenses Code**

## Article 545 – Weapons and Explosives

### Section 545.01. Definitions.

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

### Section 545.04. Persons prohibited from possession of firearms.

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the

offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4-701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Summersville Code of Ordinances**

Current through August 1, 2019.

#### **Part Five – General Offenses Code Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

#### **Section 545.04. Persons prohibited from possession of fire arms.**

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

- (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) Is habitually addicted to alcohol;
- (3) Is an unlawful user of or habitually addicted to any controlled substance;
- (4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;
- (5) Is an alien illegally or unlawfully in the United States;
- (6) Has been discharged from the armed forces under dishonorable conditions;
- (7) Is subject to a domestic violence protective order that:
  - A. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;
  - B. Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - C.
    1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
    2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the

same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

### **Vienna Code of Ordinances** Current through July 11, 2019.

#### **Part Five – General Offenses Code** **Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4-701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Weirton Code of Ordinances**  
Current through June 10, 2019.

**Part V – General Offenses Code**  
**Chapter 1 – General Offenses**

## Article 553 – Weapons

### Section 553.07. Display of dangerous weapons; reporting purchases.

(A) It shall be unlawful for any person to publicly display and offer for rent or sale, or, where the person is other than a natural person, to knowingly permit an employee thereof to display and offer for rent or sale, to any passersby on any street, road, or alley, any deadly weapon, machine gun, submachine gun, or other fully automatic weapon, any rifle, shotgun, or ammunition for same.

### Section 553.08. Sale of arms to unnaturalized person or minor.

No person shall sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and no person shall sell any of the arms mentioned in this article to any minor under the age of 16 years.

## Wellsburg Code of Ordinances

Current through August 1, 2019.

### Part Five – General Offenses Code Article 545 – Weapons and Explosives

### Section 545.01. Definitions.

As used in this article, unless the context otherwise requires:

(g) "**Pistol**" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

(h) "**Revolver**" means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

(i) "**Deadly weapon**" means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

(k) "**Firearm**" means any weapon which will expel a projectile by action of an explosion.

(l) "**Controlled substance**" has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

(m) "**Drug**" has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

### Section 545.04. Persons prohibited from possession of firearms.

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is habitually addicted to alcohol;

(3) Is an unlawful user of or habitually addicted to any controlled substance;

(4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

(5) Is an alien illegally or unlawfully in the United States;

(6) Has been discharged from the armed forces under dishonorable conditions;

(7) Is subject to a domestic violence protective order that:

A. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-5-1 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

#### **Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

#### **Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Westover Code of Ordinances**  
Current through September 4, 2018.

**Part Five – General Offenses Code**  
**Article 545 – Weapons and Explosives**

#### **Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear

and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

**Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4- 701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Part Thirteen – Planning and Zoning Code  
Article 1302 – Definitions**

**Section 1302.02. Definition of terms.**

**(486) Sporting Goods/Firearms Sales Establishments** - Establishments primarily engaged in selling sporting goods, sporting equipment and accessories. This includes those establishments primarily or secondarily engaged in the sale of fire arms, ammunition and ammunition components, and hunting or shooting equipment.

**Article 1303 – Establishment of Districts and Zone Map**

**Section 1303.05. Permitted land uses.**

The table and supplemental regulations of the Permitted Land Use Table are incorporated in this section and are adopted as the basic land use regulations for the City. The table and supplemental regulations identify the types of land uses that are permitted within the City and any applicable conditions and limitations.

To determine the zone(s) in which a particular use is allowed, find the use in the list of uses along the left-hand side of the Permitted Land Use Table and read across the use row to find the zone column designations.

Legend:

P Use is permitted by right in a particular zone; a permit is required.

C Use is allowed only as a conditional use in a particular zone subject to the limitations and conditions specified; permit is required.

The uses listed in the Permitted Land Use Table are defined in the Definitions Section 1302.02.

A description of the supplemental regulations immediately follows the Permitted Land Use Table (Table 1).

Table 1: Westover's Permitted Land Use

Uses	Zone					Supplemental Regulations
	R-1	R-2	R-3/C	C-2	I	
Sporting Goods/Firearms Sales Establishment			P	P		

**Wheeling Code of Ordinances**

Current through April 11, 2020.

**Part Five – General Offenses Code  
Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

#### **Section 545.04. Persons prohibited from possession of fire arms.**

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

- (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- (2) Is habitually addicted to alcohol;
- (3) Is an unlawful user of or habitually addicted to any controlled substance;
- (4) Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;
- (5) Is an alien illegally or unlawfully in the United States;
- (6) Has been discharged from the armed forces under dishonorable conditions;
- (7) Is subject to a domestic violence protective order that:
  - A. Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;
  - B. Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - C.
    1. Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
    2. By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (8) Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

(b) Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

(d) Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

#### **Section 545.05. Possession of deadly weapons by minors prohibited.**

(a) Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

(b) A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4- 701 et seq., and such minor may be proceeded against in

the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.

**Section 545.10. Selling or giving to minors.**

No person shall sell or give away to a person under eighteen years of age, any revolver or other pistol, dirk, bowie knife, switch blade knife, sling shot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character.

**Section 545.13. Sale or transfer of concealable weapons.**

(a) Generally. No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept, any pistol, revolver or firearm of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

(b) Permit. The laws of the State of West Virginia and the United States of America shall apply to permit requirements for firearms as described in this Section and as such no local permitting process is utilized in the Municipality.

(c) Carrying Contrary To Law. Nothing contained in this article shall be construed as a permit to carry a pistol, revolver or other firearm of the kind described in subsection (a) hereof, contrary to any ordinance of the City or the laws of the State.

(d) Exceptions. Nothing contained in this section shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

(e) False Information. No person shall give or issue any false information or data for the purpose of obtaining, or aiding and abetting another in obtaining, a pistol, revolver or other firearm of the kind described in subsection (a) hereof in violation of the terms and provisions of this article.

**Part Fifteen – Fire Prevention Code  
Chapter Three – Regulations and Requirements  
Article 1531 – Explosives and Ammunition**

**Section 1531.01. Definitions.**

(f) "Small arms ammunition" means any shotgun, rifle, pistol or revolver cartridges.

**Section 1531.02. General Requirements.**

(a) No person shall manufacture any explosives, including small arms ammunition, within the corporate limits except as provided in Section 1531.06.

**Section 1531.06. Exceptions.**

(a) Nothing in this article shall be construed as applying to the regular military or naval forces of the United States, the duly authorized militia of this State, or to the Police and Fire Departments in the proper performance of their duty.

(c) Nothing in this article shall be construed as applying to the laboratories of schools, colleges, and similar institutions, when confined to the purpose of instruction or research, or explosives in the forms prescribed by the official United States Pharmacopeia.

(d) Nothing in this article shall be construed as prohibiting the hand loading of small arms ammunition for private personal use and not for resale. For this purpose, not more than ten pounds of smokeless powder and one thousand small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand when acceptable to the police authorities.

**Winfield Code of Ordinances**  
Current through March 17, 2020.

**Part Five – General Offenses Code**  
**Article 545 – Weapons and Explosives**

**Section 545.01. Definitions.**

As used in this article, unless the context otherwise requires:

**(g) "Pistol"** means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.

**(h) "Revolver"** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.

**(i) "Deadly weapon"** means an instrument which is designed to be used to produce serious bodily injury or death, or is readily adaptable to such use. The term "deadly weapon" includes, but is not limited to, the instruments defined in subsections (a) to (h) hereof inclusive, or other deadly weapons of like kind or character which may be easily concealed on or about the person. For the purposes of West Virginia Code 18-3-1a and 61-7-11a, in addition to the definition of "knife" set forth in subsection (c) hereof, "deadly weapon" also includes any instrument included within the definition of "knife" with a blade of three and one-half inches or less in length. Additionally, for the purposes of West Virginia Code 18-3-1a and 61-7-11a, "deadly weapon" includes explosives, chemical, biological and radiological materials. Notwithstanding any other provision of this section, the term "deadly weapon" does not include any item or material owned by the school or county board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes.

**(k) "Firearm"** means any weapon which will expel a projectile by action of an explosion.

**(l) "Controlled substance"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(d).

**(m) "Drug"** has the same meaning as is ascribed to that term in West Virginia Code 61A-1-101(l).

**Section 545.04. Persons prohibited from possession of firearms.**

**(a)** Except as provided in this section, no person shall possess a firearm, as such is defined in Section 545.01, who:

**(1)** Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

**(2)** Is habitually addicted to alcohol;

**(3)** Is an unlawful user of or habitually addicted to any controlled substance;

**(4)** Has been adjudicated to be mentally incompetent or who has been involuntarily committed to a mental institution pursuant to the provisions of West Virginia Code Chapter twenty-seven or in similar law of another jurisdiction: provided, that once an individual has been adjudicated as a mental defective or involuntarily committed to a mental institution, he or she shall be duly notified that they are to immediately surrender any firearms in their ownership or possession; provided, however, that the Mental Hygiene Commissioner or Circuit Judge shall first make a determination of the appropriate public or private individual or entity to act as conservator for the surrendered property;

**(5)** Is an alien illegally or unlawfully in the United States;

**(6)** Has been discharged from the armed forces under dishonorable conditions;

**(7)** Is subject to a domestic violence protective order that:

**A.** Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

**B.** Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

**C.**

**1.** Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

**2.** By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

**(8)** Has been convicted of a misdemeanor offense of assault or battery either under the provisions of West Virginia Code 61-2-28, or the provisions of West Virginia Code 61-2-9(a) or (b), or a federal or state statute with the same

essential elements in which the victim was a current or former spouse, current or former sexual or intimate partner, person with whom the defendant has a child in common, person with whom the defendant cohabits or has cohabited, a parent or guardian, the defendant's child or ward or a member of the defendant's household at the time of the offense or has been convicted in any court of any jurisdiction of a comparable misdemeanor crime of domestic violence.

**(b)** Any person prohibited from possessing a firearm by the provisions of subsection (a) of this section may petition the circuit court of the county in which he or she resides to regain the ability to possess a firearm and if the court finds by clear and convincing evidence that the person is competent and capable of exercising the responsibility concomitant with the possession of a firearm, the court may enter an order allowing the person to possess a firearm if such possession would not violate any federal law: provided, that a person prohibited from possessing a firearm by the provisions of subsection (a)(4) of this section may petition to regain the ability to possess a firearm in accordance with West Virginia Code 61-7A-5.

**(d)** Any person who has been convicted of an offense which disqualifies him or her from possessing a firearm by virtue of a criminal conviction whose conviction was expunged or set aside or who subsequent thereto receives an unconditional pardon for said offense shall not be prohibited from possessing a firearm by the provisions of the section.

**Section 545.05. Possession of deadly weapons by minors prohibited.**

**(a)** Notwithstanding any other provision of this article to the contrary, a person under the age of eighteen years who is not married or otherwise emancipated shall not possess or carry concealed or openly any deadly weapon: provided, that a minor may possess a firearm upon premises owned by such minor or his family or on the premises of another with the permission of his or her parent or guardian and in the case of property other than his or her own or that of his family, with the permission of the owner or lessee of such property. Nothing in this section shall prohibit a minor from possessing a firearm while hunting in a lawful manner or while traveling from a place where he or she may lawfully possess a deadly weapon, to a hunting site, and returning to a place where he or she may lawfully possess such weapon.

**(b)** A violation of this section by a person under the age of eighteen years shall subject the child to the jurisdiction of the circuit court under the provisions of West Virginia Code 49-4- 701 et seq., and such minor may be proceeded against in the same manner as if he or she had committed an act which if committed by an adult would be a crime, and may be adjudicated delinquent.

**Section 545.06. Possession of machine guns.**

No person shall carry, transport or have in his possession, any machine gun, submachine gun or any other fully automatic weapon unless he or she has fully complied with applicable Federal statutes and all applicable rules and regulations of the Secretary of the Treasury of the United States relating to such firearms.

**Section 545.07. Display or sale of deadly weapons.**

No person shall publicly display and offer for rent or sale, or, where the person is other than a natural person, knowingly permit an employee thereof to publicly display and offer for rent or sale, to any passersby on any street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun or ammunition for same.