



Waynesboro City Council Agenda Briefing

Meeting Date:	January 27, 2020	Staff/Council Member(s): Michael G. Hamp II, City Manager/Melisa Michelsen, Esq., City Attorney
Agenda Item #	5	
Resolution#		
Department:	City Manager/City Attorney	
Subject:	Resolution in Support of Second Amendment Rights	

Background: Having held a Special Hearing to receive citizen comment regarding pre-filed legislative bills for the upcoming General Assembly session and the potential impact on Second Amendment Rights, the City Council may consider the attached draft resolution.

Attachments: A Resolution in Support of Second Amendment Rights

CITY COUNCIL OF WAYNESBORO, VIRGINIA



RESOLUTION

A RESOLUTION IN SUPPORT OF SECOND AMENDMENT RIGHTS AND EXPRESSING COMMITMENT TO RESPECT, PRESERVE, AND UPHOLD THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE I, & 13 OF THE VIRGINIA CONSTITUTION

WHEREAS, the Second Amendment of the United States Constitution states in part that “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed”; and

WHEREAS, Article I, & 13 of the Virginia Constitution reads: “That a well regulated militia, composed of the body of the people, trained to arms is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed...”; and

WHEREAS, the Waynesboro City Council feel that the right of citizens to bear arms, as stated in both the United States Constitution and Virginia Constitution, is a fundamental right that should be protected to the greatest degree possible; and

WHEREAS, the Fifth Amendment to the United States Constitution provides that “No Person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”; and

WHEREAS, the members of Waynesboro City Council have taken an oath to defend and uphold the United States and Virginia Constitution; and

WHEREAS, the Waynesboro City Council is aware that certain pre-filed legislation for the 2020 session of the Virginia General Assembly may affect the rights of law-abiding citizens guaranteed by the Second Amendment to the United States Constitution and Article I, & 13 of the Virginia Constitution; and

WHEREAS, the Waynesboro City Council is concerned that the passage of these bills,

may significantly alter the rights of law-abiding citizens to keep and bear arms, including but not limited to divesting property from citizens who currently lawfully possess certain weapons and certain capacity magazines; and

WHEREAS, unless an express delegation exists from the General Assembly, the Waynesboro City has no legislative or regulatory authority related to “the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof”, as provided by Section 15.2-915 of the Code of Virginia, 1950, as amended, and has no authority over the independent execution of the duties of the constitutional officers involved in law enforcement; and

WHEREAS, the Waynesboro Council expresses its concern over any law that would unconstitutionally restrict the rights of the law-abiding citizens of the City of Waynesboro to keep bear arms; and

WHEREAS, the Waynesboro City Council strives to act in the best interest of the City and its citizens, and accordingly wishes to express its sentiments with regard to this important matter, and its continuing intent to take lawful action to protect these important rights.

NOW, THEREFORE, BE IT RESOLVED, by Waynesboro City Council that this body expresses its commitment to respect, preserve, and uphold the Second Amendment of the United States Constitution and Article I, & 13 of the Virginia Constitution; and

BE IT FURTHER RESOLVED, that the Waynesboro City Council hereby expresses its support for the rights of law-abiding citizens to keep and bear arms and urges the members of the General Assembly and the Governor to take no action which would violate the freedoms guaranteed in both Constitutions; and

BE IT FURTHER RESOLVED, that the City of Waynesboro hereby expresses its intent to uphold the Second Amendment rights of law-abiding citizens within the limits of the Constitutions of the United States, the Commonwealth of Virginia; and

BE IT FURTHER RESOLVED, that the Waynesboro City Council declares Waynesboro a
“Constitutional City”; and

BE IT FURTHER RESOLVED, the Waynesboro City Council directs the City Manager to
forward a copy of this resolution to the City’s General Assembly delegation.

ADOPTED by the Council of the City of Waynesboro, Virginia this 27th day of
January, 2020

APPROVED:

Mayor

ATTEST:

Clerk of the Council

APPROVED AS TO FORM:

City Attorney