

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED

JUL 12 3 31 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**AGENCY: DIVISION OF NATURAL RESOURCES TITLE NUMBER: 19 58RULE TYPE: PROCEDURAL; CITE AUTHORITY 20-2-58, 61-7-12 and 29A-3AMENDMENT TO AN EXISTING RULE: YES X NO IF YES, SERIES NUMBER OF RULE BEING AMENDED: 47A (19)TITLE OF RULE BEING AMENDED: GUN REPAIR SHOP EXEMPTIONSIF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON AUGUST 11, 1996 AT 4:30 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

MAJOR W. B. DANIELDIVISION OF NATURAL RESOURCESCAPITOL COMPLEX BLDG. 3, ROOM 837CHARLESTON WV 25305-0668THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.CHARLES B. FELTON, JR.
DIRECTORATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

TITLE 58
PROCEDURAL RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 47A 19
GUN REPAIR SHOP EXEMPTIONS

FILED

JUL 12 3 31 PM '86

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§58- 47A 19-1. General.

1.1. Scope. -- The purpose of ~~these rules~~ this rule is to establish the procedures for obtaining a gun repair shop exemption to the law prohibiting the discharge of a firearm within five hundred (500) feet of any dwelling house or within four hundred (400) feet of any schoolhouse or church.

1.2. Authority. -- W. Va. Code §20-2-58, §61-7-12 and §29A-3

1.3. Filing Date. -- November 21, 1986

1.4. Effective Date. -- December 22, 1986

§58- 47A 19-2. Definitions.

2.1. "Applicant" means the operator of a gun repair shop duly licensed under applicable federal and state laws.

2.2. "Application" means an Application for a Gun Repair Shop Exemption in the form prescribed in Appendix A of ~~these regulations~~ this rule.

2.3. "Church" means a place of worship other than a dwelling house.

2.4. "Church Representative" means the minister, pastor, priest, rabbi, elder, or other individual duly authorized to represent a church congregation.

2.5. "Division" means the West Virginia Division of Natural Resources.

2.6. "Director" means the director of the West Virginia Division of Natural Resources.

2.7. "Section" means the Law Enforcement Section of the West Virginia Division Of Natural Resources.

2.8. "Exemption" means an exemption from the law prohibiting the discharge of a

firearm within five hundred (500) feet of a dwelling house or within four hundred (400) feet of a schoolhouse or church.

2.9. Legal Advertisement means a Class I legal advertisement as defined in §59-3 of the West Virginia Code.

2.10. Public Notice means an announcement, in the form prescribed in Appendix B of ~~these regulations~~ this rule, stating that the operator of a gun repair shop is seeking a grant of exemption from the Division to allow the discharge of firearms on or near the repair shop premises.

§58- 47A 19-3. Application Procedures.

3.1. The operator of a gun repair shop seeking an exemption will complete and submit an application to the Law Enforcement Section, Division of Natural Resources, Room 840, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305.

§58- 47A 19-4. Notice Requirements.

4.1. The applicant will send a public notice by certified mail to:

4.1.1. Each head of a household residing within five hundred (500) feet of the test firing site;

4.1.2. The principal of any schoolhouse located within four hundred (400) feet of the test firing site;

4.1.3. The church representative of any church located within four hundred (400) feet of the test firing site.

4.2. Certified mail receipts will be kept by the applicant for inspection by Section personnel until the grant of exemption has been either approved or disapproved by the Division.

4.3. The applicant will also publish a legal advertisement in a newspaper of general circulation in the community in which the applicant's business is located. The advertisement will contain the information provided in the public notice. A copy of the advertisement showing the name of the newspaper and the date of publication will be sent with the application submitted to the Division.

§58- 47A 19-5. Objections To A Grant Of Exemption.

5.1. The following individuals may protest the granting of an exemption to an applicant:

5.1.1. Any individual who resides within five hundred (500) feet of the test firing site;

5.1.2. The principal, school personnel, and the parents of students of any schoolhouse located within four hundred (400) feet of a test firing site;

5.1.3. Any member of a church located within four hundred (400) feet of a test firing site.

5.2. Division Section personnel will investigate in a timely manner all substantive written objections to the granting of an exemption that are received by the Division within thirty (30) days after the receipt of an application.

§58- 47A 19-6. Inspections.

6.1. Test firing facilities will be inspected by Section personnel prior to the granting of an exemption and at any time thereafter when deemed necessary.

APPENDIX A

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A GUN REPAIR SHOP EXEMPTION

Name and Address of Operator: _____

Business Name and Address: _____

County: _____

WV Business License No: _____ Federal License No: _____

Location of nearest pistol/rifle range is _____ miles from the premises.

Name, address, and telephone number of each head of household residing within five hundred feet of the test firing site:

Name, address, and telephone number of any schoolhouse located within four hundred feet of the test firing site:

Name, address, and telephone number of any church located within four hundred feet of the test firing site:

The Applicant understands and agrees to comply with the provisions of West Virginia, Division of Natural Resources rule "Gun Repair Shop Exemptions" 58 CSR 47B 20.

Date: _____ Signature of Applicant: _____

APPENDIX B
PUBLIC NOTICE

Name and Address of Business: _____

is seeking an exemption from the West Virginia Division of Natural Resources to allow firearms to be test fired at:

(Description of Test Firing Site)

Test firing may occur _____ through _____ between the hours of ____ a.m. and ____ p.m. You may protest the granting of this exemption by writing to the Law Enforcement Section, Division of Natural Resources, Room 839, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305 within fourteen days of the receipt of this notice.