

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #5

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SEP 10 3 03 PM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

CITE AUTHORITY: §§20-2-58, 61-7-12 AND 29A-3

RULE TYPE: PROCEDURAL  INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§29A-3-8

AMENDMENT TO AN EXISTING RULE: YES  , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 47A (NEW 19)

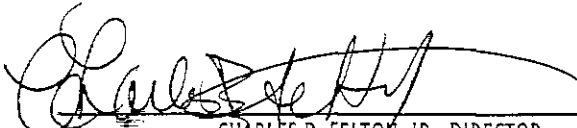
TITLE OF RULE BEING AMENDED: GUN REPAIR SHOP EXEMPTIONS

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

**THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE**

**EFFECTIVE DATE OF THIS RULE IS** September 10, 1996

  
CHARLES B. FELTON, JR., DIRECTOR

3.40

TITLE 58  
PROCEDURAL RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 19  
GUN REPAIR SHOP EXEMPTIONS

**§58-19-1. General.**

1.1. Scope. -- The purpose of 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. -- July 12, 1996

1.4. Effective Date. -- September 10, 1996

**§58-19-2. 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 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 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.

### **§58-19-3. 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.

### **§58-19-4. 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.

### **§58-19-5. 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.

**§58-19-6. 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:

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



FILED

OCT 24 10 49 AM '96

KEN HECHLER  
Secretary of State  
  
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STATE OF WEST VIRGINIA  
SECRETARY OF STATE  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

*WBD*

(Plus all the volunteer help we can get)

TO: BILL DANIEL

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 3, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 19 TITLE: 58 NATURAL RESOURCES

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *WBDaniel*

TITLE OF PERSON SIGNING: *Deputy Chief, Law Enforcement*

DATE: *10/22/96*

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\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.