

# # I-1

## BOARD OF SUPERVISORS BUSINESS MEETING INFORMATION ITEM

**SUBJECT:** Discharge of Firearms in Chapter 684 of the Codified Ordinances of Loudoun County

**ELECTION DISTRICTS:** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACTS:** Charles Yudd, Deputy County Administrator  
Milissa Spring, Deputy County Attorney

**PURPOSE:** This item provides information requested by the Board of Supervisors (Board) on Chapter 684 of the Codified Ordinances of Loudoun County.

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**BACKGROUND:** At the May 17, 2018 Board Business Meeting, the Board directed staff (8-0-1, Meyer absent) to bring an information item to the June 21, 2018 Board Business meeting to describe the process by which Chapter 684 of the Codified Ordinances (Chapter 684) was developed and amended; present maps depicting the boundaries of regulated areas; identify the State Code authority for the Board to regulate the discharge of firearms, and provide information on all State Codes that are applicable to local enforcement with respect to the discharge of firearms. This item provides the information requested by the Board.

In addition, the Board requested that staff include the following information in the item related to a recent incident in the southern portion of the county:

- How many instances similar in nature have occurred in the recent past?
- What is the criteria for a berm and do varying standards exist?
- How large is the parcel of property?
- Where is the berm located?
- What is the distance from the berm to surrounding dwellings?
- Is the Codified Ordinance the best resource (or State Code) for this type of incident?
- Can berm requirements be added to the Codified Ordinance?

The Board further requested that staff invite a representative from the Department of Game and Inland Fisheries as well as Sheriff Mike Chapman and Commonwealth's Attorney Jim Plowman to the Board's June 21, 2018 Business Meeting to discuss state code regulations, Chapter 684, and the investigation into this specific incident.

### **Applicable State Codes**

The Code of Virginia includes seven separate sections related to a locality's ability to regulate or control firearms. A link to each of these sections is provided below, along with a general description of the contents thereof.

[Virginia Code §15.2-915](#) sets out the ability of localities to control firearms. Section A states that a locality shall not adopt or enforce any ordinance, resolution or motion "governing the purchase, possession, transfer, ownership, carrying, storage or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute." This code section was originally passed in 1987, and was most recently amended in 2012.

[Virginia Code §15.2-915.2](#) addresses the ability of local governing bodies to regulate transportation of a loaded rifle or shotgun in a vehicle. This section provides that a governing body of any county may by ordinance make it unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road, or highway within the locality. Violations shall be punishable by a fine of not more than \$100, which shall be enforced by any law-enforcement officer. The Board used its authority under this section to adopt Chapter 684.01 of the Codified Ordinances. Section 15.2-915.2 was originally enacted in 1976, and was most recently amended in 2004.

[Virginia Code §15.2-1209](#) provides authority for any county to prohibit the outdoor shooting of firearms "in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof." This section requires an exemption be made for the killing of deer pursuant to Virginia Code §29.1-529, which shall apply on land of at least five acres that is zoned for agricultural use. This code section was originally passed in 1950 and was most recently amended in 2017.

[Virginia Code §15.2-1209.1](#) provides the authority for the governing body of a county to regulate, by ordinance, the carrying of loaded firearms on public highways. Such an ordinance may make it unlawful for any person to carry or have in his possession, for the purpose of hunting, while on any part of a public highway within the county, a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking. This section does not apply to persons carrying loaded firearms in moving vehicles or for purposes other than hunting. This code section was originally passed in 1950 and was most recently amended in 2007.

[Virginia Code §15.2-1210](#) grants authority to counties to prohibit all hunting with firearms or other weapons in, or within one-half mile of, any subdivision or other area of such county which, in the opinion of the governing body, is so heavily populated as to make such hunting dangerous to the inhabitants thereof. The ordinance must clearly describe each area in which hunting is prohibited, and appropriate signs designating the boundaries of such area must be erected. This code section was originally enacted in 1950 and was most recently amended in 1997.

[Virginia Code §29.1-526](#) allows the governing body of a county to “prohibit by ordinance the hunting, with a firearm, of any game bird or game animal while hunting on or within 100 yards of any primary or secondary road in such county.” Any violation of such an ordinance is a Class 3 misdemeanor. This code section was originally enacted in 1962 and was most recently amended in 1989.

[Virginia Code §29.1-527](#) allows the “governing body any county, city or town to prohibit by ordinance, shooting or hunting with a firearm, or prohibit hunters from traversing an area while in possession of a loaded firearm, within 100 yards of any property line of a public school or a county, city, town or regional park.” A violation of such an ordinance is a Class 4 misdemeanor. The ordinance cannot be enforced on lands within a national or state park or forest, or wildlife management area. This code section was originally enacted in 1985 and was most recently amended in 1987.

### **Other Applicable Codes**

Other State Code Provisions that pertain to local enforcement include [29.1-519](#) and [18.2-56.1](#).

### **Chapter 684- Existing Regulations**

Existing regulations set forth in Chapter 684 of the Loudoun County Codified Ordinances are contained below:

#### **684.001 DEFINITIONS.**

As used in this chapter, unless the context clearly requires a different meaning:

- (a) "Sheriff" means the Sheriff of the County or his or her designee.
- (b) "Firearm" means any weapon which will, is designed to or may be readily converted to expel a projectile by the action of an explosive, provided that stud nailing guns, rivet guns and similar construction equipment, neither designed or intended as weapons, shall not be deemed firearms.
- (c) "Gun" means and includes any rifle, shotgun, pistol or other firearm, and also includes any air gun, air rifle, pneumatic gun or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.
- (d) "Parcel" means any lot or other contiguous area of land in one ownership or in which all of the owners have joined in a written acknowledgment of the rights of all of them to shoot on all of such land, which constitutes, when combined, an area of not less than twenty acres.
- (e) "Pistol" means a gun having a barrel of less than sixteen inches in length.
- (f) "Recreational shooting" means the discharge of firearms or weapons, except bows and arrows, at fixed or moveable artificial targets.

- (g) "Rifle" means a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.
- (h) "Shotgun" means a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire through a smooth bore one or a number of balls shot for each pull of the trigger.
- (i) "Starting pistol" means any device which is designed or functions to simulate the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm.

#### **684.1 SHOTGUNS OR RIFLES IN VEHICLES.**

- (a) No person shall transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road or highway within the County.
- (b) Subsection (a) hereof shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties, or to any person who reasonably believes that a loaded rifle or loaded shotgun is necessary for his personal safety in the course of his employment or business.
- (c) The penalty for a violation of this section shall not exceed a fine of one hundred dollars (\$100.00).

(Ord. 87-02. Passed 4-20-87; Ord. 05-04. Passed 5-10-05; Ord. 06-05. Passed 3-14-06; Ord. 09-12. Passed 6-16-09.)

#### **684.2 DISCHARGING PNEUMATIC GUNS IN HEAVILY POPULATED AREAS. (REPEALED)**

(EDITOR'S NOTE: Section 684.02 was repealed by Ordinance 12-13, passed October 9, 2012.)

#### **684.3 DISCHARGE OF FIREARMS.**

- (a)(1) The Board of Supervisors prohibits the discharge of firearms, except for certain hunting activities provided herein, in the following area of the County:  
The area within a line following State Route 620 (Braddock Road) from the boundary with Fairfax County west to its intersection with State Route 659, then along State Route 659 north to its terminus at State Route 7, then following State Route 7 west to the corporate limits of the Town of Leesburg, then following the corporate limit line of the Town of Leesburg north and west to the Potomac River, then east along the Potomac River boundary with Maryland to the Fairfax County line, then southwest along the Fairfax County line to its intersection with State Route 620.
- (2) Nothing herein shall prohibit the following hunting activities with firearms, subject to other applicable laws and regulations:
  - A. Deer hunting with handguns, shotguns or muzzle-loading rifles using a single projectile; or

- B. All other hunting with rifles of .22 caliber rimfire or less, handguns, shotguns and muzzle-loading rifles using single or multiple projectiles.
- (3) Nothing herein shall prohibit the outdoor shooting of sporting clays, subject to other applicable laws and regulations.
- (b) The discharge of firearms is prohibited within 50 yards of a highway in the primary or secondary system of State roads.
- (c) The discharge of firearms is prohibited within 100 yards of any public park or school. Nothing in this section shall be enforced within a national or State park or forest or wildlife management area.
- (d) The discharge of firearms is prohibited within 100 yards of a building with a current occupancy permit unless the owner or authorized agent has given permission.
- (e) This section does not apply to the following actions:
- (1) Any shooting or discharge of firearms upon a lawfully established target, trap or skeet range;
  - (2) The discharge of firearms by any duly authorized peace officer or law enforcement official acting in the proper performance of his or her duties;
  - (3) Any shooting or discharge of firearms upon a target range operated by any police department or other law enforcement agency;
  - (4) Any discharge of firearms in defense of one's life or to kill a dangerous or destructive wild animal;
  - (5) The discharge of blank cartridges in theatrical performances or sporting events or at military funerals or other military affairs;
  - (6) A managed hunt to control the deer population under the supervision of the Federal, State, or local law enforcement or game management officials.

(Ord. 01-02. Passed 4-16-01; Ord. 05-04. Passed 5-10-05; Ord. 06-05. Passed 3-14-06; Ord. 13-01. Passed 3-6-13.)

## **684.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **Chronology of Amendments to Chapter 684**

Reconstruction of the timeline and process for adoption of, and amendments to, Chapter 684 is contained in Attachment 1. Background documentation is available through the links provided under the heading of "Date of Action."

The timeline and process summary indicates that these sections were developed over several decades. The first ordinance regulating the carrying, transporting, or possessing of shotgun or rifle on public highways was passed on April 18, 1977, and was amended in April 1987. The Board also established an ordinance regulating the discharge of BB-guns (more recently referred to as "pneumatic weapons") in October 1978. This section of the ordinance was amended several times, and ultimately was repealed by the Board on October 9, 2012 (section 684.02).

On July 10, 2000, the Board established a special study committee to develop options and alternatives to amending the County's firearm ordinance. The Discharge of Firearms Study Committee released a report dated December 11, 2000. After discussion at the committee level and a public hearing, the Board of Supervisor voted (6-3, Delgaudio, York and Hiatt voting no) on April 16, 2001 to implement amendments to Chapter 684. These amendments have served as the foundation of sections 684.001, 684.01, and 684.03, with minor changes to these sections occurring between 2005 and 2013.

Amendments on May 10, 2005 removed sections of the ordinance related to the "Reckless or Careless Use of Guns," the "Transfer of Guns to Minors Prohibited, Exceptions," and the "Carrying and Discharge of Guns by Minors." The removal of these sections of the ordinance were necessary in light of the 2004 amendments to Virginia Code §15.2-915, which removed grandfather clauses for ordinances and expressly prohibited localities from adopting or enforcing any ordinance which governs the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms except for those instances expressly authorized by statute.

### **Prohibited Discharge of Firearms Boundaries**

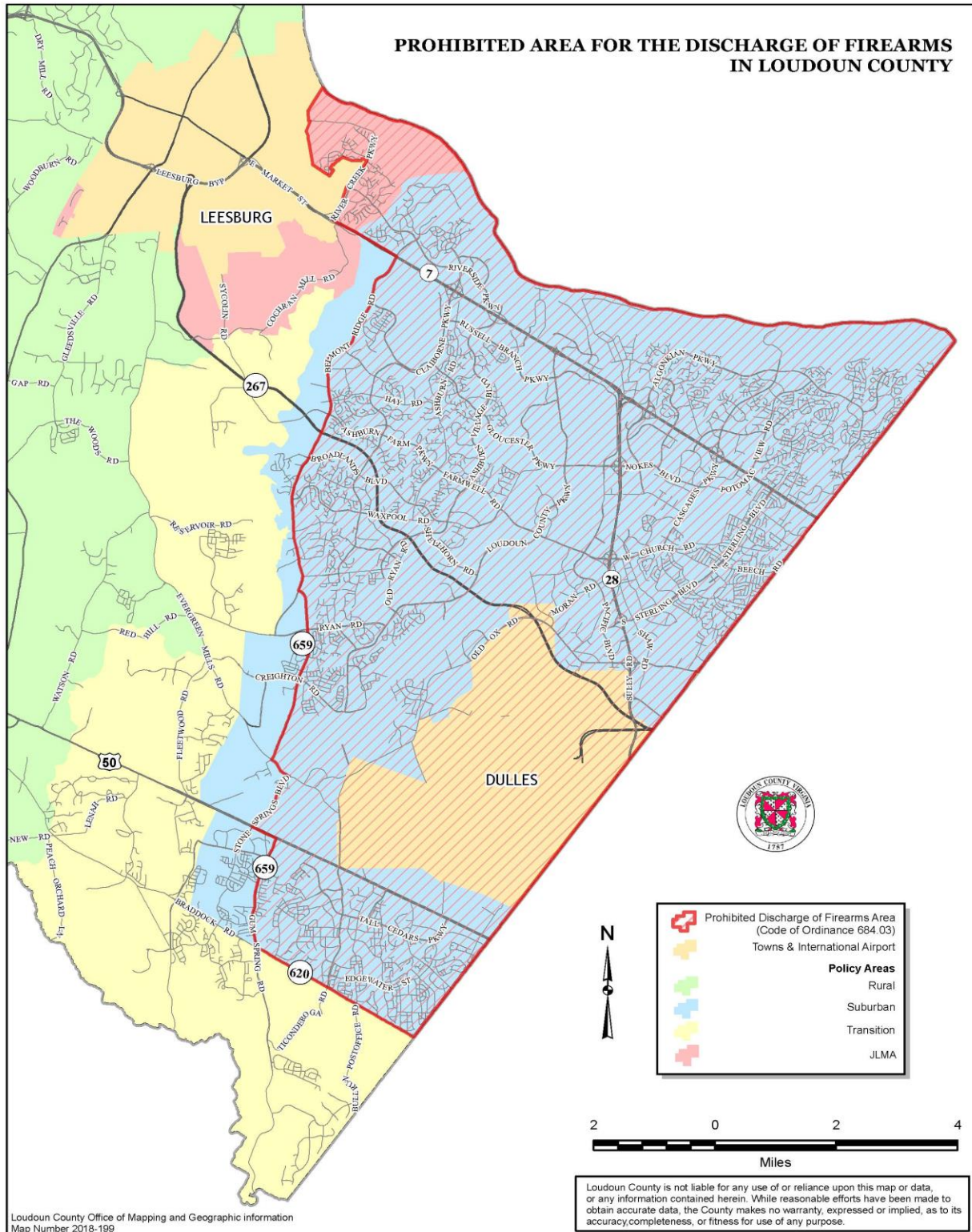
Virginia Code §15.2-1209 allows a county to "prohibit the outdoor shooting of firearms or arrows from bows in any areas of the county which are in the opinion of the governing body so heavily populated as to make such conduct dangerous to the inhabitants thereof." Section 684.03 (a)(1) specifies the boundaries in which the discharge of firearms are prohibited, except for certain hunting activities as described within the section, and includes:

The area within a line following State Route 620 (Braddock Road) from the boundary with Fairfax County west to its intersection with State Route 659, then along State Route 659 north to its terminus at State Route 7, then following State Route 7 west to the corporate limits of the Town of Leesburg, then following the corporate limit line of the Town of Leesburg north and west to the Potomac River, then east along the Potomac River boundary with Maryland to the Fairfax County line, then southwest along the Fairfax County line to its intersection with State Route 620.

The following map depicts the boundaries where discharge of firearms is prohibited as specified in Section 684.03 (a)(1). The Board has the ability to set and amend these boundaries in accordance with the authority granted to it under § 15.2-1209. Staff will provide an overview of the map during the presentation on June 21, 2018.

Representatives of the Sheriff's Office will be providing an overview of the attached Power Point presentation which includes a summary of gunfire related calls for service (cfs) and information relative to a firearms discharge incident in the Lenah area on May 6, 2018.





## **Existing Distance Limitations Contained in Chapter 684**

As noted above, Section 684.3 (b) and (d) contain distance provisions whereby the discharge of firearms is further restricted based on the distance to a highway in the primary or secondary system of State roads, and the distance to a building with an occupancy permit (unless an owner or authorized agent has provided permission).

Additional background regarding the development of the distance restrictions is also available through the links provided in Attachment 1 including the background on the recommendation of the Discharge of Firearms Study Committee empaneled in July of 2000. Below is an excerpt of the Committee's report which provides some insight into the basis for their recommendation:

Excerpt from January 2, 2001 Board of Supervisors Staff Report: Discharge of Firearms Study Committee Report

*Page 8 Recommendation 3 – Amendments to County Ordinances:*

*Create local ordinances that outline safety zones which:*

- A. Prohibit the discharge of firearms within 50 yards of public roads (primary and secondary).*
- B. Prohibit the discharge of firearms within 50 yards of a building that maintains a current occupancy permit without the permission of owner or authorized agent.*

*Background and Description: The Committee recognized that the only requirement was a 100 yard setback from public roads, while hunting with a firearm. It was the Committee's intent to create a safety zone for the shooter that was not hunting (i.e. target practicing, shooting, skeet or trap). Following the model of other developing Counties in Virginia and using enabling legislation, we suggest to extend a "safety zone" around occupied dwelling. Initially this suggestion was presented to address safety concerns of residents living with multiple A-3 zoned units. There was not a majority interest to extend either proposal beyond any distance greater than 50 yards.*

*Committee Vote: 8 for and 1 against*

The Board of Supervisors, upon adoption of the amendment increased the 50 yard recommendation in 684.3(d) to 100 yards and that regulation remains in effect today.

## **Requirements for Berms**

There are no additional site-based requirements in Chapter 684 that would contain or block projectile discharge from firearms such as berms or other specific barriers. As noted in the section of this report that addresses applicable state code requirements, there are no provisions that specifically allow a locality to adopt these types of standards.



**ATTACHMENTS:**

1. Timeline and Process Summary
2. Summary of Gunfire Related Calls for Service 6/2018

## Timeline and Process

### Developing Chapter 684 of the Codified Ordinances of Loudoun County

<b><u>Date of Action</u></b>	<b><u>Description of Action</u></b>
<a href="#">April 18, 1977 (pg. 70)</a>	Board of Supervisors passed ordinance (6-0-2, Henrickson and Raflo absent) to regulate the carrying, transporting, or possessing of shotgun or rifle on public highways in accordance with Sections 18.2-287 and 18.2-287.1 of the Code of Virginia of 1950.
<a href="#">October 16, 1978 (pg. 79)</a>	Board of Supervisor passed ordinance (6-0-1-1, Crossman absent, Raflo abstained) to regulate the discharge of BB-guns in heavily populated areas of the County per authority granted in Section 15.1-518 of the Code of Virginia of 1950.
<a href="#">January 22, 1985 (pg. 80)</a>	Board of Supervisors amended criminal code Chapter 605, Offenses to Weapons (8-0), which included definitions later to be incorporated in Chapter 684.
<a href="#">April 20, 1987 (pg. 43)</a>	Board of Supervisors amended (8-0) 684.01(c) to include: “No person shall transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road or highway within the County. A shotgun or rifle shall be considered to be loaded when any unfired or live ammunition is contained in the chamber or other portion of the weapon designed to hold extra ammunition and which is attached to or affixed to the weapon.
<a href="#">March 19, 1991 (pg. 319)</a>	Board of Supervisors voted (7-0-1, Zurn absent) to take no further action on proposed amendments to Chapter 684.
<a href="#">March 18, 1998 (pg. 15)</a>	Board of Supervisors adopted amendments (8-0-1, Myers absent) to 684.02 to update the code reference required by the recodification of Title 15.1 of the Code of Virginia.
<a href="#">July 8, 2000 (pg. 49)</a>	Board of Supervisors adopted revisions to Chapter 684 (8-1, Delgaudio voted no) to regulate the discharge of paint ball guns.
<a href="#">July 10, 2000 (pg. 60)</a>	Board of Supervisors established a special study committee (9-0) to develop options and alternative to amending the County’s firearm ordinance in recognition of the fast paced changes in the demographics in Loudoun County and also discuss the current fines, penalties, enforcement and educational programs to see if they should be increased. Committee’s report should be to the Board by December 18, 2000.
December 11, 2000 <a href="#">Report</a>	Discharge of Firearms Study Committee released a report to the Board of Supervisors with recommended options and alternatives related to geographic overlay, amendments to County Ordinances, Education and Staff Resources.
January 2, 2001 <a href="#">Minutes (pg. 455)</a> <a href="#">Board Item</a> <a href="#">ATT 1</a>	Board moved to forward the Discharge of Firearms Committee report and recommended options to the Joint Finance/ Government Services Committee and Land Use Committee Meeting and forward a recommendation to the Board.
March 5, 2001 <a href="#">Minutes (pg. 69)</a> <a href="#">Board Item</a>	Board of Supervisors approved a recommendation of the Finance/Government Services and Land Use Committees (8-1, Delgaudio voted no) that:

## Attachment 1

## Timeline and Process

### Developing Chapter 684 of the Codified Ordinances of Loudoun County

<b><u>Date of Action</u></b>	<b><u>Description of Action</u></b>
<a href="#">ATT 1</a> <a href="#">ATT 2</a> <a href="#">ATT 3</a> <a href="#">ATT 4</a> <a href="#">ATT 5</a>	<ol style="list-style-type: none"> <li>1. Draft ordinance related to geographic overlay, zoning district, public road and park buffer, residence buffer and bullet trespass be placed on the agenda for public hearing on March 28, 2001.</li> <li>2. Recommendations regarding firing range facility, deer decoy programs, deer hunt program, game wardens, firearms safety courses, possible discrepancy regarding minimum hunting age, training of personnel, required written report, deer-auto collision data and distribution of free gun locks be advertised for public input.”</li> </ol>
March 28, 2001 <a href="#">Minutes (pg. 170)</a> <a href="#">Board Item</a> <a href="#">ATT 1</a> ; <a href="#">ATT 2</a>	At the public hearing, the Board of Supervisors voted (6-2-1, Hiatt and Delgaudio voted no, Towe absent) to forward the discharge of firearms to the April 16, 2001 business meeting for further discussion and possible action.
April 16, 2001 <a href="#">Copy Teste (pg. 112)</a> <a href="#">Board Item</a> <a href="#">ATT 1, Part 1</a> ; <a href="#">ATT 1, Part 2</a> <a href="#">ATT 2</a>	Board of Supervisors voted (6-3, Delgaudio, York and Hiatt voted no) to implement amended Discharge of Firearms Regulations, and voted (8-1, Delgaudio voted no) to implement “Discharge of Firearms Administrative and Programmatic Initiatives”.
March 1, 2005 <a href="#">Action Report</a> <a href="#">Board Item</a> <a href="#">ATT</a>	Board of Supervisors voted (9-0) to approve recommendation of the Public Safety Committee to state its Intent to Amend Section 684 and authorize staff to advertise public hearing on amendments.
May 10, 2005 <a href="#">Copy Teste</a> <a href="#">Board Item</a> <a href="#">ATT 1</a>	Board of Supervisors voted (7-0-2, Clem and Delguadio absent) to approve amendments to Chapter 684 that: <ul style="list-style-type: none"> <li>• Amended 684.01 Firearms on Public Highways, removed subsection (d);</li> <li>• Amended 684.02 Discharging Pneumatic Guns in Heavily Populated Areas to “BB” with “pneumatic”;</li> <li>• Removed Sections 684.03 Reckless or Careless Use of Guns;</li> <li>• Removed Section 684.04 Transfer of Guns to Minors Prohibited, Exceptions; and</li> <li>• Removed Section 684.05 Carrying and Discharge of Guns by Minors</li> </ul>
March 14, 2006 <a href="#">Copy Teste</a> <a href="#">Board Item</a> <a href="#">ATT 1</a> <a href="#">ATT 2</a>	Board of Supervisors voted (9-0) to approve Public Safety Committee recommended amendment to 684.01 Firearms on Public Highways and Rifles and Shotguns in Vehicles.
June 16, 2009 <a href="#">Copy Teste</a> <a href="#">Board Item</a> <a href="#">ATT 1</a> ; <a href="#">ATT 2A</a> ; <a href="#">ATT 2B</a> ; <a href="#">ATT 3</a> ; <a href="#">ATT 4</a> ; <a href="#">ATT 5</a> ; <a href="#">ATT 6</a> ; <a href="#">ATT 6(1)</a> ; <a href="#">ATT 7</a>	Board of Supervisors voted (8-1, Delguadio voted no) to change the title of 684.01 to Shotguns of Rifles in Vehicles.

## Timeline and Process

### Developing Chapter 684 of the Codified Ordinances of Loudoun County

<b><u>Date of Action</u></b>	<b><u>Description of Action</u></b>
October 9, 2012 <a href="#">Copy Teste</a> <a href="#">Board Item</a>	Board of Supervisors voted (6-0-3, Letourneau, Reid and York absent) to adopt the ordinance to repeal section 684.02 Discharging Pneumatic Guns in Heavily Populated Areas.
March 6, 2013 <a href="#">Copy Teste</a> <a href="#">Board Item</a>	Board of Supervisors voted (9-0) to add as subsection 684.03 (a)(3): “Nothing herein shall prohibit the outdoor shooting of sporting clays, subject to other applicable laws and regulations.”

Discussion Document

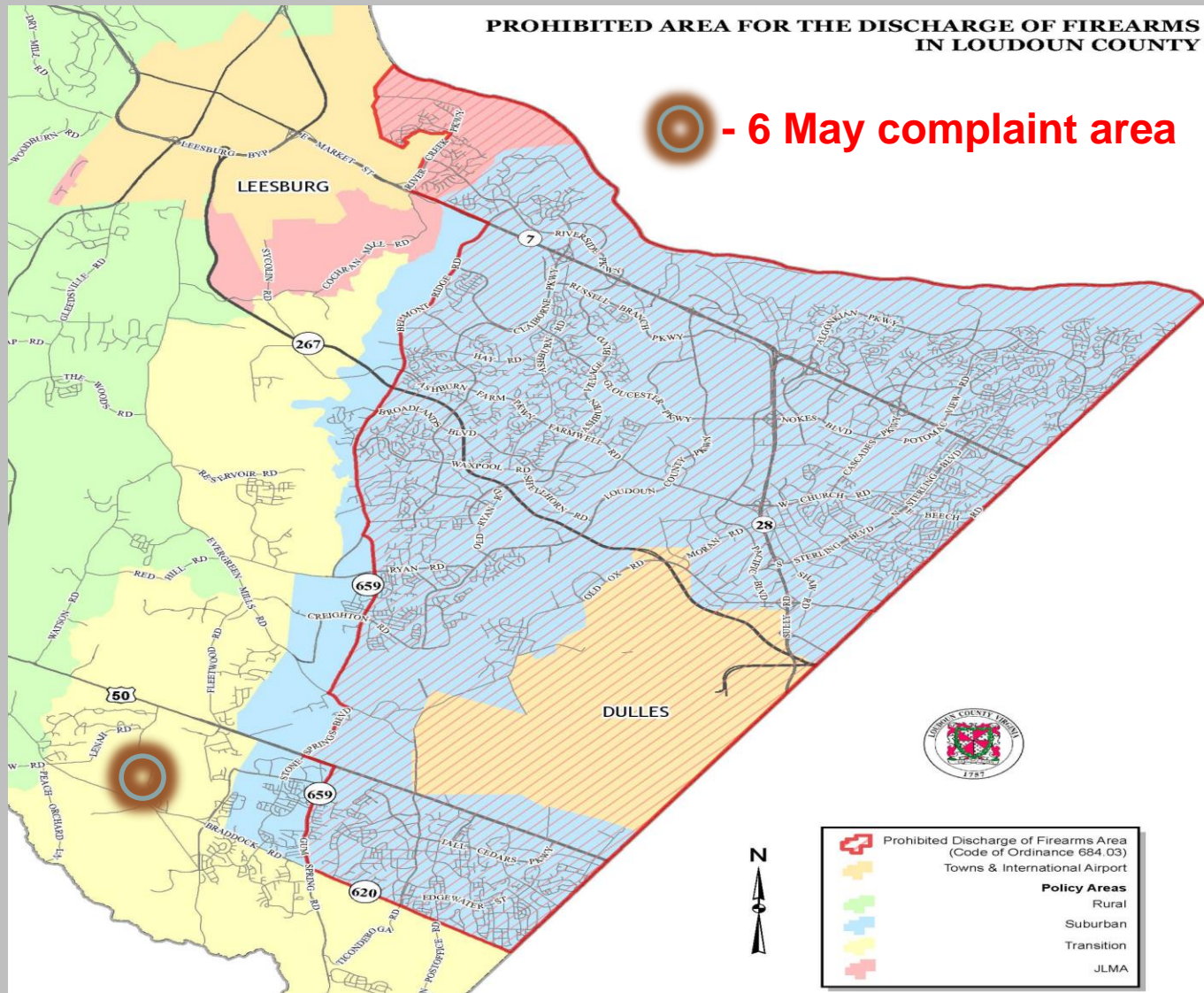


## Summary of Gunfire Related Calls for Service (CFS)

June, 2018



# Firearms Complaint: 6 May 2018 – 24000 Block of Lenah Rd, Aldie







# Firearms Complaint Location / Area; Lenah Road, Aldie



Image Source; Google Maps







# LCSO responded to complaints of bullets in houses in Sector 430 the day after a gunfire complaint on May 6, 2018



## Initial Response

- Call initiated on May 6, 2018 at approximately 1627 hours
- Multiple callers advising rapid fire, and notes from the call indicate that the gunfire continued for over 30 minutes
- Patrol deputies located the source of the gunfire that night, and spoke with the property owner, 24000 Block of Lenah Road
- The notes in the call indicate that the deputies spoke with the subject who advised them that he had called in to dispatch prior to shooting, at that time the shooting was conducted within county ordinances
- Reports of property being struck by gunfire occurred the following day

## CID Response

- The morning of 7 May, Patrol deputies began responding to the houses that noticed they had been struck by bullets. CID was immediately notified and began interviews with the property owner(s)
- Through the course of the investigation, it was determined that multiple people were reported to have shot the weapon(s) that resulted in property damage to the houses, making it impossible to prove who discharged the gun recklessly. The CA's office was consulted throughout the investigation and concurred with the Detective's investigation





# **Loudoun County Firearms Incidents: 13 Sept 2016 – 21 May 2018**



## **In Summary**

- **Western Loudoun Station had the most substantiated amount of fire arms discharge complaints, with the majority of those complaints being legal / permissive**
- **There are no CFS trends indicating a systemic issue with firearms discharge in the county. (i.e., a problem area with target practicing or range fire, resulting in criminal charges or damage to life or property)**
- **The majority of firearms complaints result from negligent discharges of weapons with homeowners improperly cleaning / handling their firearms**
- **1 person has been charged with violation of 684.03, this incident was not related to hunting / target practice, the discharge occurred inside a home**
- **6 people have been charged with Reckless Use of a Firearm (VA Code 18.2-56.1), with the majority of these incidents resulting from negligent discharges while cleaning the firearms inside of dwellings**

