

# Ordinance to allow Hunting Big Game with a Rifle

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# Authority of the Governing Body

Virginia Code Section 29.1-528 -

- A. The Board shall adopt regulations establishing model ordinances for hunting with firearms. Such model ordinances shall address items including firearm caliber; type of firearm, including rifle, shotgun, or muzzleloader; type of ammunition; and the hunting of groundhogs or coyotes.
- B. The governing body of any county or city may, by ordinance, (i) prohibit hunting in such county or city with a shotgun loaded with slugs, or with a rifle of a caliber larger than .22 rimfire; (ii) permit the hunting of groundhogs with a rifle of a caliber larger than .22 rimfire between March 1 and August 31; (iii) permit the use of muzzle-loading rifles during the prescribed open seasons for the hunting of game species; (iv) specify permissible types of ammunition to be used for hunting in the county or city; or (v) permit the hunting of coyotes with a rifle of a caliber larger than .22 rimfire.

## Current County Code Section 6-6

- (a) Deer hunting with a rifle of a caliber larger than .22 rimfire is prohibited in the county. However, hunting of groundhogs with a rifle of a caliber larger than .22 rimfire between March 1 and August 31 of each year is permitted, and a rifle of a caliber larger than .22 rimfire may be used for hunting all other game, bird and varmint species as allowed by state law and regulations. Deer hunting with a shotgun loaded with slugs is permitted so long as such hunting is conducted from a stand located at least ten feet in elevation above the ground.
- (b) The use of muzzle-loading rifles during the prescribed open seasons for hunting of game species is permitted in the county. However, the use of such muzzle-loading rifle shall be only from a stand located at least ten feet in elevation above the ground; provided, however, that the requirement that the use of such muzzle-loading rifle be from a stand located at least ten feet in elevation above the ground shall be expressly inapplicable to all persons permanently and totally disabled, as defined in Code of Virginia, § 58.1-3217, and possessing a handicapped hunting license.
- (c) It shall be unlawful for any person in the county to hunt, shoot, or kill with a rifle larger than .22 rimfire any deer or bear pursuant to the provisions of Code of Virginia, § 29.2-528. However, the use of rifled slugs shall be allowed when such deer or bear is killed pursuant to the provisions of Code of Virginia, § 29.1-529 only.

# Options for Amending County Code

- ▶ Hunting big game during regular hunting season with rifle 0.23 caliber or larger.
- ▶ Hunter must on elevated stand at least ten feet above the ground, unless has the disabled hunter exemption.
- ▶ Rifle may only have a round in chamber when on elevated stand.
- ▶ Hunter must obtain permission from landowner.

# Disabled Hunter Exemption

- § 29.1-528.2. While hunting during any established open hunting season and in accordance with other laws and regulations, a hunter shall be exempt from any local ordinance requiring hunting from an elevated platform or tree stand if he (i) possesses a valid hunting license and is permanently disabled, as defined in § 58.1-3217 and as attested to by a licensed physician on a form provided by the Department and carried on the hunter's person while hunting, or (ii) holds a lifetime disabled or disabled veterans license under § 29.1-302, 29.1-302.02, or 29.1-302.03 or subsection C of § 29.1-302.1.

Killing of deer, elk or bear damaging fruit trees, crops, livestock, or personal property

- ▶ A landowner may kill deer, elk or bear that is damaging fruit trees, crops, livestock or personal property utilized for commercial agricultural production and long as the owner or lessee complies with Virginia Code Section 29.1-529 and other applicable state law.

## Effective Date of Ordinance

- Virginia Code Section 29.1-528 - No such ordinance shall be enforceable unless the governing body notifies the Director by registered mail prior to May 1 of the year in which the ordinance is to take effect.

## Violation of Ordinance

- ▶ Virginia Code Section 29.1-528 - The governing body of any county or city may provide that any person who violates the provisions of the ordinance is guilty of a Class 3 misdemeanor.



# Adjacent Counties

- ▶ Which Counties allow hunting big game with rifle .23 caliber or larger:
  - 1) Sussex County
  - 2) Dinwiddie County
- ▶ Which Counties don't allow hunting big game with rifle .23 caliber or larger:
  - 1) Surry County
  - 2) Chesterfield
  - 3) Charles City County