



XI.

Agenda Item

## County of Hanover

### Board Meeting: September 27, 2017

**Subject:** Public Hearing - Ordinance 17-09: Rifle Hunting of Deer

**Summary of  
Agenda Item:**

At the request of Community Development Committee Chairman Davis, staff researched the potential of allowing rifle hunting of deer in Hanover County. The current Hanover County Code provision limits rifle hunting of deer to the use of muzzle-loading rifles during the special muzzle-loading deer season and during the general firearms deer season. Rifle hunting of other game is, however, allowed

Code provisions of other localities governing rifles and rifle hunting were reviewed and found to be very diverse. However, a common element for most localities that allow rifle hunting of deer is that the caliber must larger than .22 and an elevated stand must be used. Chairman Davis invited Officer David Hennaman of the Virginia Department of Game and Inland Fisheries to address the Committee. Officer Hennaman noted statewide statistics over the last ten years pertaining to deer hunting. A total of 188 incidents of hunters hit by rifle or shotgun fire – 150 shotguns and 38 rifles. He discussed the provision of surrounding jurisdictions that allow rifle hunting of deer and noted that the majority of counties in Virginia allow it. He offer that rifle hunting is safer than shotgun hunting based on the statistics.

The Sheriff's Office was consulted and offered for consideration that if rifle hunting for deer is to be allowed, a rifle of .23 caliber or larger be use from an elevated stand at least ten feet above the ground. Additionally there should be no round in the rifle chamber until in the elevated stand.

Provision of the Ordinance:

- Rifle must be .23 caliber or larger
- An elevated stand of at least ten feet must be used
- There shall be no round in the rifle chamber except while in the elevated stand

The attached documents include a compilation of a number of ordinances from around the state, the memorandum from the Sheriff's Office and the draft ordinance.

**County  
Administrator's  
Recommended  
Board Motion:**

Motion to adopt Ordinance 17-09 authorizing the hunting of deer with rifles.

ORDINANCE 17- 09

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, CHAPTER 24, WEAPONS, SECTION 24-8, HUNTING WITH RIFLES, TO PROVIDE THAT HUNTING OF DEER WITH RIFLES IS PERMITTED DURING THE REGULAR HUNTING SEASON WHERE (1) THE RIFLE IS .23 CALIBER OR LARGER, (2) THE PERSON HUNTING IS IN A STAND AT LEAST TEN (10) FEET ABOVE GROUND LEVEL; (3) THE RIFLE DOES NOT HAVE A ROUND IN THE CHAMBER WHEN IT IS OUTSIDE THE STAND; AND (4) THE PERSON COMPLIES WITH ALL SAFETY AND OTHER REGULATIONS OF THE VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES.

WHEREAS the Hanover County Code regulates certain hunting activities in Hanover County, including regulations related to hunting deer with rifles; and

WHEREAS the County Code currently permits hunting deer with muzzle-loaded rifles during certain times of the year and in a manner approved by the Virginia Department of Game and Inland Fisheries; and

WHEREAS the hunting of deer with other types of rifles is currently prohibited in Hanover County; and

WHEREAS the Board of Supervisors has determined that hunting with rifles during the general hunting season can be done safely if it is performed under certain stated conditions; and

WHEREAS the Board of Supervisors has concluded that the provisions of the Hanover County Code should be amended in order to permit hunting with rifles under certain specific safety standards, including that the person hunting shall be in a stand at least ten feet above the ground and that the rifle not have a round in its chamber when the rifle is outside the stand;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Section 24-8, Hunting with Rifles, is amended to read in its entirety as follows:

**Sec. 24-8. - Hunting deer with rifles.**

- (a) A person may hunt deer with a rifle only as follows:

- (1) For hunting ~~It shall be unlawful for any person to hunt deer with a rifle of any caliber, except that it shall be lawful to hunt~~ deer with a muzzle-loading rifle- during (i) the special muzzle-loading deer season and ~~during (ii) the general firearms deer season,~~ the person shall use only the type of muzzle-loading rifles and ammunition authorized by the Virginia Department of Game and Inland Fisheries and in a manner permitted by this Code.

Formatted: Indent: Left: 1"

~~(2) A person may use a rifle other than a muzzle loading rifle to hunt deer during the regular hunting season only as follows:~~

~~(i) The rifle shall be a 0.23 caliber or larger;~~

~~(ii) The person shall hunt only from an elevated stand at least ten (10) feet above ground level;~~

~~(iii) The rifle may have a round in its chamber only when it is on the elevated stand; and~~

~~(iv) The person complies with all safety and other regulations of this Code and the Virginia Department of Game and Inland Fisheries.~~

~~(b) For purposes of this section, only the type of muzzle loading rifles and ammunition authorized by the Virginia Department of Game and Inland Fisheries shall be used.~~

~~(c) Any person hunting deer in violation of the provisions of this section shall be guilty of a Class 3 misdemeanor.~~

2. This ordinance shall be effective on the date of adoption.

Formatted: Indent: Left: 1.5"



**COUNTY OF HANOVER  
COUNTY ADMINISTRATION  
(Memorandum)**

---

**To: Community Development Committee  
Hanover County Board of Supervisors**

**From: Frank W. Harksen, Jr.**

**Date: 7-21-2017**

**Re: Rifle Hunting**

---

At the request of Committee Chairman Davis, staff researched the potential of allowing rifle hunting of deer in Hanover County. The current Code provision limits rifle hunting to the use of muzzle-loading rifles during the special muzzle-loading deer season and during the general firearms deer season.

Code provisions of other localities governing rifles and rifle hunting were reviewed and found to be very diverse. However, a common element for most localities that allow rifle hunting of deer is that the caliber must larger than .22 and an elevated tree stand must be used. The Sheriff's Office was also consulted and offers for consideration that if rifle hunting with deer is to be allowed, a rifle of .23 caliber or larger be use from an elevated stand at least ten feet above the ground.

Please see the attached documents. One is a compilation of a number of ordinances from around the state. The second is Major Woody's memorandum.

## Compiled Ordinances

### Chesterfield: No rifles for deer hunting

Sec. 14-12. - Same—Hunting with rifles or handguns.

- (a) No person shall hunt deer or turkey with a rifle in Chesterfield County, except as provided in subsection (c) herein.
- (b) Small game animals may be hunted only with a rifle or handgun that has a caliber no larger than .22 and only during the prescribed open seasons, unless prohibited by the Code of Virginia, Virginia Administrative Code, or federal law or regulations.
- (c) It shall be lawful to hunt game animals with a muzzle-loading rifle during the prescribed open seasons. For the purpose of this section a muzzle-loading rifle is any rifle as defined by Title 29 of the Code of Virginia or Virginia Administrative Code Section VAC15-90-80.
- (d) For the purpose of this section, game animals shall be those animals as defined by the Code of Virginia or the Virginia Administrative Code.
- (e) Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

(Code 1978, § 15.1-22.5; Ord. of 4-10-02, § 1; Ord. of 5-22-02, § 1)

**Editor's note**— This section formerly pertained to muzzle-loading rifles; § 1 of an ordinance adopted April 10, 2002 amended § 14-12 to pertain to hunting with rifles or handguns, generally.

**State Law reference**— Authority of the county to adopt this section, Code of Virginia, § 29.1-528.

### James City: Use of rifles larger than .22 caliber in tree stands and for groundhog season

Sec. 15-36. - Discharge of firearms, etc. in certain areas; exceptions.

- (a) It shall be unlawful for any person to discharge any firearms or pneumatic gun in the county in or within 300 feet of any dwelling, commercial building or shelter for animals, except with the prior written permission of owner or tenant, in or within 50 feet of the boundaries of any recorded subdivision, or in a manner which causes ammunition to cross such areas.
- (b) For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them below:

*Ammunition.* A cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

*Commercial building.* Any structure which requires the issuance of a certificate of occupancy under the Virginia Uniform Statewide Building Code and is used or is intended to be used for commerce.

*Dwelling.* Any structure which is designed for use for residential purposes, including, but not limited to, a mobile home.

*Firearm.* Any weapon in which ammunition may be used or discharged by explosion or pneumatic pressure.

*Owner.* One or more persons, jointly or severally, in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises.

*Pneumatic gun.* Any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. Pneumatic gun includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

*Recorded subdivision.*

- a. Any subdivision of property into two or more lots (i) which occurred after August 31, 1964; (ii) has a plat recorded in the county's circuit court clerk's office; and (iii) where the new lots created are to be used for residential or commercial purposes.
- b. The following subdivisions divided prior to August 31, 1964, as shown on the map titled James City County Pre-August 1964 Subdivisions Prohibited from Discharging Firearms, dated September 20, 2011:

Belen Heights, Benel Corp, Birchwood Park, Boughsprings, Bozarth & Mahone/Mahone & Bozarth, Canterbury Hills, Chickahominy Haven, Colonial Park, Colonial Terrace, Cypress Point, D. Warren Marston, Dandridge Davenport & Piggott, Druid Hill, Eustis Terrace, Farmville Estates, First Colony, Frank Anderson, Frank Armistead, Haley & Whitehall, Harwood, Holly Brook, Holly Hill, Indigo Park, Indigo Terrace, James Terrace, James Wesley Jones (Estate), Jamestown Farms, John Henry Lee, Kingswood, Levi & Lettie Wallace, Magruder Heights, Magruder View, Marl Hills (Lakewood), Neck-O-Land Hundred, Norge, Norvalia, Poplar Hall Plantation, Powhatan Springs, Rado Banks, Raleigh Square, Riverview Plantation, Sadie Taylor, Schuyler & Troy Smith, Signor Bradby, Shellbank, Solomon Orange, Steers (Hickory Signpost), Steers (Jamestown Road), Stephens, Sycamore Landing, Temple Hall Estates, The Colony, Thomas & Hattie Kearney, Toano Terrace, Washington Jones (Estate), Winston Terrace, and Yearda Lee Smith.

- c. Any subdivision where two thirds of the lot owners have petitioned the board of supervisors to be included within the boundaries of the prohibition on the discharge of firearms, and such petition has been approved by resolution.
- d. Recorded subdivision shall not include property divided pursuant to family subdivision, condemnation, or other board of supervisors' approved subdivision of property.

*Shelter for animals.* Any building designed or intended for the shelter, housing or enclosure of any animals, livestock or poultry.

*Tenant.* A person entitled under a rental agreement to occupy a dwelling to the exclusion of others.

- (c) It shall be unlawful for any person to discharge a rifle, shotgun rifled slug or muzzle-loading rifle (except a rifle .22 caliber or smaller, a muzzle-loading rifle .36 caliber or smaller, or a shotgun) anywhere in the county unless such person is on a stand elevated at least ten feet above the ground. This paragraph shall not apply to any person discharging a rifle in a permitted area to hunt groundhogs on land zoned A-1, General Agricultural District, between March 1 and September 1.
- (d) The prohibition contained in this section shall not apply to the following:
  - (1) The discharge of firearms in a private basement, cellar or target range, provided that such target range has sufficient background or backstop to ensure that ammunition will not travel more than 300 feet beyond the target range.
  - (2) The discharge of weapons in defense of one's life or to kill any dangerous animal.
  - (3) The discharge of weapons by any duly authorized peace officer, law enforcement official or military personnel acting in the performance of his duties.
  - (4) The discharge of a weapon by any person participating in a hunt for which a permit or management plan for controlled wildlife reduction has been issued or developed by the Virginia Department of Game and Inland Fisheries; such hunt shall also be approved by the James City County Chief of Police, who shall review the action plan for such a hunt to provide for the health, safety and welfare of residents and participants. Such review shall include, but not be limited to, the area in which the weapons may be discharged; the caliber of the weapons to be used; measures to be implemented to keep nonparticipants in the hunt from entering the area; the number of participants; and the days and hours of such a hunt.

- (5) The use of pneumatic guns (i) at facilities approved for shooting ranges; (ii) on property where firearms may be discharged; and (iii) on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.
- (e) It shall be unlawful for any minor under the age of 16 to use a pneumatic gun on private or public property unless such minor is under the supervision of a parent, guardian, or other adult supervisor approved by a parent or guardian of such minor. Minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun on private property with the consent of the owner. Any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations, and restrictions governing such use.
- (f) Pneumatic gun offenses shall be punishable as a Class 3 misdemeanor.

(Ord. No. 79, 5-13-74; Ord. No. 56A-6, 3-4-91; Ord. No. 56A-7, 12-6-93; Ord. No. 56A-8, 8-1-94; Ord. No. 56A-14, 9-11-07; Ord. No. 56A-18, 9-27-11)

**State Law reference**— General powers of counties, Code of Va., § 15.2-1200; shooting of firearms, or arrows from bows, in certain areas prohibited, Code of Va., § 15.2-1209; hunting in certain areas prohibited, Code of Va., § 15.2-1210; regulation of pneumatic guns, Code of Va., § 15.2-915.4; regulation of compound bows, crossbows, longbows, and recurve bows, Code of Va., § 15.2-916.

*Suffolk: Use of rifles larger than .22 caliber in tree stands*

Sec. 54-122. - Discharge.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Densely populated area* means an area extending 200 yards from the exterior boundaries of any five or more parcels or tracts, each one of which is adjacent to at least one other, each parcel or tract being one acre or less in area, and which parcels or tracts each contain a structure designed for human use.
- Pneumatic gun* means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.
- (b) *Prohibited.* It shall be unlawful and constitute a class 3 misdemeanor, punishable as provided in subsection 1-14(3), for any person to:
- (1) Discharge a firearm or pneumatic gun:
    - a. Within any densely populated area;
    - b. Within 200 yards from any structure owned by another and used for human occupancy or for business purposes, or for the storage of personal property, including but not limited to, structures used for the housing of livestock or for other agricultural accessory storage uses, without permission of the owner;
    - c. Within 100 yards from any public street, secondary road or highway within the city, except on a permitted firing range; or
    - d. At or upon the property of another without permission.
  - (2) Shoot a longbow, compound bow or crossbow at or upon the property of another without permission.

- (3) Use of a rifle to hunt bear or deer except from a stand located at least 15 feet in elevation above the ground; provided, however, that the requirement that the use of a rifle be from a stand located at least 15 feet in elevation above the ground shall be expressly inapplicable to all legally handicapped persons.
  - (4) All uses of pneumatic guns on public or private property by minors below the age of 16 without supervision of parent, guardian or other adult supervisor approved by the parent or guardian.
  - (5) All uses of pneumatic guns by minors above the age of 16 without the written consent of a parent or guardian at any place designated for such use by the local governing body or on private property with the consent of the owner.
- (c) *Exceptions.* The provisions of this section shall not be applicable to:
- (1) Law enforcement officers engaged in the lawful performance of their duties as such, nor shall they be applicable in any situation in which the discharge of a weapon is necessary for the preservation or protection of human life or property.
  - (2) The use of muzzle-loading rifles during the prescribed open seasons for the hunting of game species as permitted in the city; provided, however, that 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 legally handicapped persons.
  - (3) The killing of deer pursuant to Code of Virginia, § 29.1-529, on parcels of five acres or more in the agricultural zoning district.
  - (4) The use of pneumatic guns at facilities approved for shooting ranges, on other property where firearms may be discharged, or on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property. For the purpose of this subsection "reasonable care" means that the pneumatic gun is discharged in a manner so the projectile is contained on the property by a backstop, earthen embankment or fence. The discharge of projectiles across or over the bounds of the property shall create the rebuttable presumption that the use of the pneumatic gun was not conducted with reasonable care and shall constitute a class 3 misdemeanor.

(Ord. No. 64-93, § 18-15, 9-1-1993; Ord. No. 86-01, 7-18-2001; Ord. No. 09-O-046, 9-2-2009; Ord. No. 10-O-33, 4-21-2010; Ord. No. 13-O-051, 6-19-2013)

**State Law reference**— Authority to adopt, Code of Virginia, § 15.2-1113.

*Prince George: Use of rifles above .22 caliber for all game except deer*

Sec. 6-6. - Hunting with rifle of caliber larger than .22 rimfire; hunting of groundhogs with rifle larger than .22 rimfire; use of muzzle-loading rifles; legally handicapped hunting license.

- (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.
- (d) Any person who violates the provisions of this section shall be guilty of a class 3 misdemeanor.

(Code 1988, § 3-6; Ord. No. O-00-002, 2-22-2000; Ord. No. O-11-04, § 1, 3-22-2011)

**State Law reference**— Hunting and trapping, Code of Virginia, § 29.1-510 et seq.

*King George: Use of rifles above .22 caliber for groundhog season*

Sec. 10-7. - Hunting with muzzle-loading rifles.

- (a) It shall be unlawful for any person to hunt any wild bird, game species or animal in the county with any rifle capable of shooting any cartridge more powerful than commercially loaded .22 long rifle cartridges. This section shall not be construed to prohibit any person from shooting groundhogs and/or coyotes with a larger rifle, except during the general open season for hunting in the county.
- (b) Muzzle-loading rifles may be used for the hunting of deer, during the prescribed open season for deer hunting.
- (c) Any person violating any provision of this section shall be guilty of Class 3 misdemeanor, and shall forfeit the unlawful weapon to the commonwealth.

(Ord. of 10-15-2002; Min. of 9-2-2008)

**State Law reference**— Counties or cities may prohibit hunting with certain fire arms, Code of Virginia, § 29.1-528.

*Caroline: Use of rifles above .22 caliber for groundhog season only*

**§ 56-1. Hunting with certain weapons; exemptions.**

By this chapter, the hunting of any wild bird or wild animal in Caroline County, Virginia, with a rifle of a caliber larger than .22 shall be and the same is hereby prohibited, and any person who shall hunt any wild bird or wild animal in Caroline County, Virginia, with a rifle of a caliber larger than .22 shall be subject to prosecution and punishment as hereinafter set forth; provided, however, that, by this chapter, the hunting of groundhogs with a rifle of a caliber larger than .22 except during the general open season for hunting game animals with firearms shall be and the same is hereby exempt. It shall be further provided that, during the prescribed open season for the hunting and killing of deer, the use of muzzle-loading rifles is expressly permitted, provided that such use shall be subject to the same rules and regulations, whether state or local, which apply to the use of any other firearm.

*Louisa: All rifles permitted for hunting (replacing an earlier, more restrictive ordinance)*

Sec. 54-8. - Hunting.

- (a) Rifles shall be permitted for hunting as authorized by the Virginia Department of Game and Inland Fisheries.

- (b) Muzzleloading rifles and muzzleloading pistols are permitted during any authorized deer season where firearms are permitted.

(Res. of 8-1-16(2016-1))

**Editor's note**— A resolution adopted August 1, 2016 repealed the former § 54-8, and enacted a new section as set out herein. The former § 54-8 pertained to hunting—with rifles larger than .22 caliber and derived from the Code of 1971, § 9-1; a resolution of April 15, 1991(3); a resolution of Dec. 7, 2009(09.296); a resolution of May 2, 2011(2011-117); and a resolution of June 2, 2014(2014-144).

*Cumberland: Use of .23 caliber or larger for deer hunting only in tree stands*

Sec. 46-111. - Rifle size.

It shall be unlawful to hunt deer during the regular hunting season with a rifle of .23 caliber or larger either (i) on public lands or (ii) in the area of the county bordered to the north by the James River, to the west by Route 602 from the Willis River, and to the south by Route 45 and Route 684 to the county line except from a tree stand elevated at least ten feet above the ground.

(Code 1990, § 10-11; Ord. of 3-13-2002(1); Ord. of 4-10-2007, § 1)

**State Law reference**— Authority for above section, Code of Virginia, § 29.1-528.

*Buckingham: Use of .23 caliber or larger only from tree stand or visibly marked point<sup>1</sup>*

It shall be lawful to hunt deer and bear from a stand elevated at least 10 feet from the ground or within a ten (10) foot perimeter from a stationary, pre-identified and marked point, such point having been established by an easily visible fixed marker, with a .23 or larger caliber. However such rifles can only be loaded while the hunter is in the elevated tree stand, within the 10 feet of the stationary pre-identified and marked point, if ground hunting, or while attempting to recover wounded game within a 300 yard perimeter of the elevated stand or the pre-identified and marked point from which the game was shot.

*Dinwiddie: Use of rifles above .22 caliber for groundhogs and coyotes*

Sec. 15-3. - Hunting; discharge of firearms; exceptions.

- (a) It shall be unlawful and a Class 3 misdemeanor for any person to hunt with a rifle of a caliber larger than .22 in the county, except
- (1) In the hunting of groundhogs (woodchucks) between March 1 and August 31; and
  - (2) In the hunting of coyotes for the entire calendar year, and
  - (3) In the hunting of game species with a muzzle-loading rifle during the prescribed open seasons for the hunting of game species as established by the Commission of Game and Inland Fisheries; provided, however, (i) the use of such muzzle-loading rifle in the hunting of deer may only be from a stand located at least ten feet in elevation above the ground; and (ii) "accelerator" cartridges are strictly prohibited from use in conjunction with said muzzle-loading weapons.

---

<sup>1</sup> Excerpt found in the VDGIF directory of local ordinances and regulations

- (b) It shall be unlawful and a Class 2 misdemeanor to discharge a firearm within 100 yards of any public school.

(Code 1970, § 12-2; Ord. of 3-6-91; Ord. of 9-4-96; Ord. of 5-4-04; Ord. of 1-18-11, § 1)

**Editor's note**— For special act authorizing county to adopt above section, see Acts, 1964, Ch. 59.

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11; animals and fowl, Ch. 4.

*Goochland: Use of rifles above .22 caliber in tree stands*

Sec. 10-8. - Hunting with certain weapons regulated.

- (a) Hunting shall be permitted in the county pursuant to and in compliance with state law, with the following exceptions and conditions:
- (1) It shall be unlawful for any person to hunt in the county with a rifle, pistol, or revolver of a caliber larger than 0.22 caliber, except that rifles of a larger caliber and pistols or revolvers firing cartridges rated in manufacturers' tables at 350-foot pounds of energy or greater may be used to hunt from a stand elevated at least ten feet from the ground, provided that no cartridge shall be used with a bullet of less than 0.23 caliber; however, the elevation requirement shall be expressly inapplicable to all persons who are unable to hunt from an elevated stand due to a medically documented physical disability.
  - (2) It shall be lawful to hunt deer in the county with muzzleloading guns during the "Early Muzzleloader" season prescribed by the Virginia Department of Game and Inland Fisheries and during any state authorized deer season for the county.
  - (3) It shall be unlawful to hunt with any firearm other than a muzzleloading rifle during the aforementioned "Early Muzzleloader" season.
  - (4) It shall be unlawful to engage in hunting with a firearm within the right-of-way of any primary or secondary highway.
  - (5) It shall be lawful to use a shotgun loaded with slugs to hunt from a stand elevated at least ten feet above the ground; however, the elevation requirement shall be expressly inapplicable to all persons who are unable to hunt from an elevated stand due to a medically documented physical disability.
- (b) Any person who violates any provision of this section shall be guilty of a Class 3 misdemeanor.

(Ord. No. A88-1, 1-5-88; Ord. of 3-5-91; Ord. of 6-20-95(2); Ord. of 10-17-95; Ord. of 11-21-95(3); Ord. of 2-1-11(3), § 1; Ord. of 5-3-11(3); Ord. of 10-2-12, § 1, eff. 5-1-13; Ord. of 11-7-12(1), § 1, eff. 5-1-13; Ord. No. 1773, § 1, 3-2-16)

**Editor's note**— Ord. No. 1773, § 1, adopted March 2, 2016, changed the title of § 10-8 from "Hunting with certain weapons prohibited" to read as herein set out.

**State Law reference**— Authority for above section, Code of Virginia, § 29.1-528.

*Halifax: Permission needed for use of rifles above .22 caliber near occupied buildings*

Sec. 5-137. - Rifles used for hunting.

- (a) No person shall hunt using a rifle larger than .22 caliber rimfire within 100 yards of any residence or occupied building without the written approval of the owner or lessee of the property.
- (b) It shall be unlawful:
  - (1) To discharge a rifle larger than .22 caliber rim fire from an elevated stand within 100 yards of an adjoining property line without first obtaining the written permission of the owner or, if different than the owner, the occupant of the adjoining property; or
  - (2) To discharge a rifle larger than .22 caliber rim fire from an elevated stand within 100 yards of any public street or any primary or secondary state-maintained highway.
- (c) It shall be unlawful to knowingly discharge a firearm over or across any adjoining property owned by another person without first obtaining the written permission of the owner or, if different than the owner, the occupant of the adjoining property.
- (d) Any person violating this provision shall be guilty of a class 3 misdemeanor.

(Code 2000, § 4.40; Ord. No. 2009-1, § 1, 3-9-2009; Ord. No. 2012-5, § 1, 4-2-2012)

**Editor's note**— Ord. No. 2012-5 shall be effective July 1, 2012.

**State Law reference**— Code of Virginia, § 29.1-528.

*King and Queen: Use of rifle above .22 caliber for groundhogs and coyotes*

Sec. 6-5. - Hunting.

- (a) It shall be unlawful to hunt with a rifle larger than .22 caliber, except that rifles of larger caliber may be used for hunting groundhogs and coyotes outside the general firearms season, and that muzzle loading rifles are permitted during any authorized firearms season for the hunting of game animals except for the hunting of turkeys during the spring gobbler season.
- (b) Any person convicted of a violation of this section shall be guilty of a class 2 misdemeanor.

(Ord. of 7-1-1989, arts. 1, 2; Ord. of 6-13-2005; [Amend. of 5-11-2015\(2\)](#) )

**State Law reference**— Authority to prohibit hunting in certain areas, Code of Virginia, § 15.2-1210.

*King William: No rifles above .22 caliber during deer season*

Sec. 42-82. - Use of rifles.

- (a) During the prescribed open season for the hunting and killing of deer, the use of muzzle-loading rifles and shotguns loaded with slugs is expressly permitted, provided that such use shall be subject to the same rules and regulations, whether state or local, which apply to the use of any other firearm.
- (b) Except as provided in subsection (a) of this section, it shall be unlawful to hunt any wild bird or animal during the prescribed open season for deer in the county with a rifle capable of firing ammunition larger than standard 0.22 long rifle.

(Code 1987, § 9-47; Ord. No. O13-01, 1-28-2013)

**State Law reference**— Daily and season bag limits as promulgated by regulations of board of game and inland fisheries, Code of Virginia, § 29.1-513; firearms, etc., which may be used in hunting, Code of Virginia, § 29.1-519; counties may prohibit hunting with certain firearms, exemptions authorized in such ordinance, Code of Virginia, § 29.1-528; unlawful devices for taking wild animals to be destroyed, Code of Virginia, § 29.1-556.

*Lancaster: Use of rifles above .22 for groundhogs (outside season for deer)*

Sec. 10-68. - Restriction on caliber size.

If anyone shall use any rifle of a caliber larger than .22 rimfire while hunting, he shall be guilty of a class 2 misdemeanor, and shall be punished by confinement in jail for not more than six months and a fine of not more than \$500.00, either or both. No hunting with a high-powered rifle is permitted except for groundhogs outside of firearms season for deer.

(Ord. of 3-26-64; Ord. of 4-28-88)

**State Law reference**— Similar provisions, Code of Virginia, § 29.1-528.

*Northumberland: Use of rifles above .22 for groundhogs only*

**§ 83-3. Prohibited firearms. [Amended 4-13-2006]**

Pursuant to § 29.1-528 of the Code of Virginia, it shall be unlawful to hunt in Northumberland County with a rifle of a caliber larger than .22 caliber rimfire except as hereinafter permitted.

**§ 83-4. Hunting of groundhogs and coyotes. [Amended 7-14-2016]**

This article permits the hunting of groundhogs with a rifle larger than .22 rimfire between March 1 and August 31 and the hunting of coyotes with a rifle of a caliber larger than .22 rimfire except during the general firearm season.

*Southampton: Use of rifles above .22 for groundhogs and coyotes*

Sec. 10-26. - Hunting weapons restricted.

- (a) It shall be unlawful to hunt with a rifle larger than twenty-two one hundredths of an inch (.22) caliber rim fire except rifles of a larger caliber may be used for hunting groundhogs and coyotes between March 1 and August 31;
- (b) It shall be unlawful to hunt with a muzzle-loading rifle at anytime;
- (c) It shall be unlawful to hunt with a muzzle-loading shotgun loaded with slugs or sabot slugs; and
- (d) Any person violating the provisions of this section, upon conviction, shall be guilty of a Class 3 Misdemeanor and shall be punished accordingly.

(Code 1976, § 11-36.1; Ord. of 3-24-03(2); Ord. of 3-25-13(1))

**State Law reference**— Authority for above section, Code of Virginia, §§ 29.1-100, 29.1-519, and 29.1-528; prohibiting hunting with certain firearms, Code of Virginia, § 29.1-528.

**Hanover County Sheriff's Office**

*Colonel David R. Hines, Sheriff*



**MEMORANDUM**  
*Uniform Patrol Operations*

*Tom Woody*  
07-07-17  
*Approved*

**SUBJECT: Hunting Ordinance for Hanover County  
Pertaining to Rifles**

**TO:** Frank Harksen

**FROM:** Major Thomas M. Woody

**DATE:** June 27, 2017

**COPIES:** File

After reviewing several hunting ordinances pertaining to rifle hunting throughout the Commonwealth of Virginia and speaking to a game warden, I submit the following for consideration.

Section 24-8 Hunting with rifles.

- (a) It shall be unlawful to hunt deer during the regular hunting season with a rifle of .23 caliber or larger except from an elevated stand at least ten feet above the ground.
- (b) The rifle can only be loaded once in the elevated stand and must be unloaded before exiting the elevated stand.

**PUBLIC HEARING NOTICE  
HANOVER COUNTY BOARD OF SUPERVISORS**

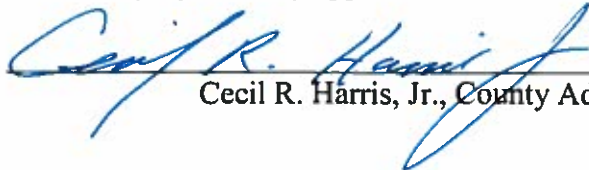
The Hanover County Board of Supervisors will hold a public hearing on **September 27, 2017**, at 7:00 p.m. in the Board meeting room at the Hanover County Administration Building, 7516 County Complex Road, at Hanover Courthouse, Hanover, Virginia, on the following ordinance being proposed for adoption:

**ORDINANCE 17- 09**

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, CHAPTER 24, WEAPONS, SECTION 24-8, HUNTING WITH RIFLES, TO PROVIDE THAT HUNTING OF DEER WITH RIFLES IS PERMITTED DURING THE REGULAR HUNTING SEASON WHERE (1) THE RIFLE IS .23 CALIBER OR LARGER, (2) THE PERSON HUNTING IS IN A STAND AT LEAST TEN (10) FEET ABOVE GROUND LEVEL; (3) THE RIFLE DOES NOT HAVE A ROUND IN THE CHAMBER WHEN IT IS OUTSIDE THE STAND; AND (4) THE PERSON COMPLIES WITH ALL SAFETY AND OTHER REGULATIONS OF THE HANOVER COUNTY CODE AND THE VIRGINIA DEPARTMENT OF GAME AND INLAND FISHERIES.

A complete copy of the proposed ordinance and related information is available at the office of the County Administrator any regular working day between 8:30 a.m. and 5:00 p.m.

All persons wishing to comment on the proposal may appear at the stated time and place.

  
\_\_\_\_\_  
Cecil R. Harris, Jr., County Administrator

Publish: September 6, 2017 and September 13, 2017.