

# Chapter 106 Hunting And Firearms

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## Chapter 106 Hunting And Firearms

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[HISTORY: Adopted by the Board of Supervisors of Clarke County as indicated in article histories. Amendments noted where applicable.]

### General References

Chapter 1 General Provisions

### Code of Virginia References

§ 15.2-915.2. Regulation of transportation of a loaded rifle or shotgun.

§ 15.2-1209.1. Counties may regulate carrying of loaded firearms on public highways.

§ 29.1-520. Times for hunting

§ 29.1-523. - Killing deer by use of certain lights; acts raising presumption of attempt to kill

§ 29.1-526. Counties and cities may prohibit hunting or trapping near primary and secondary highways

### Article I Hunting

[Adopted 01-19-1988 as Secs. 9-13 and 9-14 of the 1987 Code]

#### *§ 106-1. Prohibited areas for hunting and trapping.*

- A. It shall be unlawful for any person to hunt or attempt to hunt with a firearm any game bird or game animal while the hunting or attempting to hunt is on or within 100 yards of any primary or secondary highway in the county.
- B. It shall be unlawful to trap or attempt to trap any game animal or fur bearer within 50 feet of the shoulder of any primary or secondary highway in the county without the written permission of the landowner.
- C. For the purpose of this section, the terms "hunt," "attempt to hunt," or "trap" shall not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting or trapping area.

#### *§ 106-2. Use of artificial light; exception.*

- A. It shall be unlawful for any person to throw or cast the rays of a flashlight, spotlight, headlight or other artificial light in any manner so as to shine directly upon or illuminate any field, forest, woodland, poultry range or building for the purpose of hunting game; and the doing of any such act by any person then in possession of a firearm or other

weapon for the discharge of missiles, without good cause, shall raise a presumption of an attempt to hunt game in violation of this section.

- B. The provisions of Subsection A of this section shall not apply to the headlights of any motor vehicle being operated on a public roadway in the usual and ordinary manner of travel; nor shall they apply to landowners upon their own land, their agents or persons in their employ or under their control.

*§ 106-3. Violations and penalties.20*

Any person who violates this article shall be guilty of a Class 3 misdemeanor.

**Article II Firearms**

[Adopted 01-19-1988 as Secs. 9-15 and 9-16 of the 1987 Code]

*§ 106-4. Transporting loaded rifle or shotgun.*

- A. It shall be 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 county; provided, however, that the foregoing shall not apply to duly authorized law enforcement officers nor military personnel in the performance of their lawful duties nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.
- B. All law enforcement officers authorized to act as such within the county shall have the power to enforce this section, including but not limited to all duly appointed and Acting Game Wardens.
- C. A "loaded rifle or shotgun," as used in this section, is defined as a rifle or shotgun with ammunition within the action chamber, magazine or clip.

*§ 106-5. Carrying loaded firearm on highway.*

- A. It shall be unlawful for any person to carry or have in his possession while on any part of a public highway within this county for the purpose of hunting a loaded rifle or shotgun 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.
- B. All law enforcement officers authorized to act as such within the county shall have the power to enforce this section, including but not limited to all duly appointed and Acting Game Wardens.
- C. A "loaded rifle or shotgun," as used in this section, is defined as a rifle or shotgun with ammunition within the action chamber, magazine or clip.
- D. The provisions of this section shall not apply to persons carrying loaded firearms in moving vehicles nor to persons acting at the time in defense of persons or property or for purpose other than hunting.

*§ 106-6. Violations and penalties.*

The penalty for violation of the provisions of this Article shall be a fine of not more than \$100.

*§ 106-7. Fingerprinting Applicants for Concealed Handgun Permits.*

[Amended 2007-01-16; Repealed 2012-08-21]

The repeal of this section shall be effective July 1, 2012.

The remaining sections and subsections of Chapter 106 of the Code of Clarke County not amended hereby shall remain in effect as previously enacted.

## Chapter 106 Amendments

1999-02-16

§ 106-7. Section added for fingerprinting applicants for concealed handgun permits

2007-01-16

§ 106-7. Hunting and Firearms § 106-7 Fingerprinting Applicants for Concealed Handgun Permits Add C. If an applicant possesses a current, valid concealed handgun permit and applies for a renewal of said permit, fingerprints shall not be taken nor required as part of said renewal process. CC-06-04.

2012-08-21

Hunting and Firearms Article II Firearms 106.7 Fingerprinting Applicants for Concealed Handgun Permits; Repeal section effective July 1, 2012 an ordinance amending Chapter 106 of the Code of Clarke County, Virginia, entitled "Hunting and Firearms," Article II, Entitled "Firearms," by repealing Section 106-7, consistent with recently amended Virginia code section 18.2-308, which removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application.

2019-12-17

§ 106-05, 106-6 Amend Chapter 106 Hunting and Firearms so that penalties cannot be interpreted to exceed what is authorized by Virginia Code § 15.2-915.2 and 15.2-1209.1

## References

<sup>20</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).