

**Caroline County
Board of Supervisors Agenda
Executive Summary**

Meeting Date: April 13, 2021

Title: Public Hearing – Proposed Amendment of Chapter 56 of the Code of Caroline County (Hunting)

(Check Mark)

<input type="checkbox"/> Consent	<input type="checkbox"/> Closed Meeting
<input type="checkbox"/> Action	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> No Action (Information Only)	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Resolution	<input type="checkbox"/> PowerPoint Presentation

Summary: As the Board will recall, a public hearing to consider the amendment of Chapter 56 of the Code of Caroline County, which governs hunting in the County, was held at the March 9, 2021 Board of Supervisors meeting. The proposed ordinance under consideration at the March 9 meeting generated considerable discussion and a number of questions from Board members. Ultimately, the Board directed staff to draft a completely separate ordinance that incorporated changes identified during the March 9 discussion and advertise the new ordinance for a public hearing at the April 13 Board meeting.

As a reminder, the **current County ordinance** prohibits hunting with a rifle larger than a .22 caliber except:

- 1) when hunting groundhogs, coyotes and feral hogs outside of the general firearms deer season as set forth by the Virginia Department of Wildlife Resources; and
- 2) the use of muzzle-loading rifles is permitted during the open season for the hunting and killing of deer.

If adopted, the proposed ordinance that is the subject of the April 13 public hearing would repeal and replace the existing ordinance. **Under the proposed ordinance**, a person may hunt in the county with a rifle or pistol of a caliber higher than .22 rimfire subject to the following restrictions:

(1) Rifles and pistols greater than 0.22 caliber may be used for the hunting and killing of deer during the prescribed open season exclusively when hunting from an elevated hunting platform at least eight (8) feet above ground level, except that such weapon may also be discharged on the ground when it is necessary to do so in order to dispatch deer wounded from the elevated hunting platform.

(2) Muzzle-loading rifles may be used for the hunting and killing of deer during the prescribed open season.

(3) Turkey shall not be hunted with a rifle greater than .22 caliber.

(4) Rifles with caliber larger than .22 rimfire may be used for hunting of groundhogs, coyotes, and feral hogs during any respective season as permitted by state law and/or permitted under state law for the control of destructive animals.

Any person hunting in the county pursuant to the provisions of this section shall also comply with all safety and other regulations of this Code and the Virginia Department of Wildlife Management.

Any person who violates the provisions of this section shall be guilty of a Class 3 misdemeanor.

**Note: Under state law, permanently disabled hunters possessing a valid hunting license, hunters holding a lifetime disabled hunting license and hunters holding a lifetime disabled veterans hunting license are exempt from any local ordinances requiring hunting from an elevated platform or tree stand.*

Also under consideration as part of the public hearing is the repeal of the existing County ordinance **without replacing it**. Under this scenario, state law would govern hunting in Caroline County in the absence of a local ordinance.

Budget Impact: N/A

Requested Action from Board of Supervisors: Following the public hearing, Board members may again ask questions, offer amendments and debate the merits of the issue.

A vote to adopt the proposed ordinance may be taken following the public hearing, unless the majority of Board members vote to place it under unfinished business for a third reading and action at a future Board meeting.

Any changes to the County's hunting ordinance must be sent to the Virginia Department of Wildlife Management prior to May 1, 2021 to be included in the annual *Hunting and Trapping in Virginia Digest* that covers July through June each year.

Attachment:

- 1) Current County ordinance
- 2) Proposed amended ordinance

Proposed Ordinance to Repeal and Replace Chapter 56 of the Code of Caroline County
(Hunting)

It shall be unlawful for any person to hunt in the county with a rifle or pistol of a caliber higher than .22 rimfire except as provided hereafter.

- (1) Rifles and pistols greater than 0.22 caliber may be used for the hunting and killing of deer during the prescribed open season exclusively when hunting from an elevated hunting platform at least eight (8) feet above ground level, except that such weapon may also be discharged on the ground when it is necessary to do so in order to dispatch deer wounded from the elevated hunting platform.
- (2) Muzzle-loading rifles may be used for the hunting and killing of deer during the prescribed open season.
- (3) Turkey shall not be hunted with a rifle greater than .22 caliber.
- (4) Rifles with caliber larger than .22 rimfire may be used for hunting of groundhogs, coyotes, and feral hogs during any respective season as permitted by state law and/or permitted under state law for the control of destructive animals.

Any person hunting in the county pursuant to the provisions of this section shall also comply with all safety and other regulations of this Code and the Virginia Department of Wildlife Management.

Any person who violates the provisions of this section shall be guilty of a Class 3 misdemeanor.

Caroline County, VA
Thursday, April 8, 2021

Chapter 56. Hunting

[HISTORY: Adopted by the Board of Supervisors of the County of Caroline 3-11-2014.^[1]
Amendments noted where applicable.]

[1] *Editor's Note: This ordinance also repealed former Ch. 56, Hunting, adopted 1-25-1989 by Ord. No. 131, as amended.*

§ 56-1. Hunting; discharge of firearms; exemptions.

- A. It shall be unlawful for any person to hunt with a rifle larger than a caliber of .22 in the County, except:
- (1) In the hunting of groundhogs, coyotes and feral hogs outside the general firearms deer season as set forth by the Virginia Department of Game and Inland Fisheries and subject to any limitations specified by the same.
- B. 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.

§ 56-2. Violations and penalties.

A violation of any provision of Chapter 56 shall be punishable as a Class 3 misdemeanor.