

CHAPTER 42 – OFFENSES

Secs. 42-1–42-30. – Reserved.

Sec. 42-31. – Possession of loaded firearms prohibited.

(a) Pursuant to the authority of Code of Virginia, § 15.2-1209.1, it shall be 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 shall not apply to persons carrying loaded firearms in moving vehicles, or for purposes other than hunting, or to persons acting at the time in defense of persons or property.

(b) Any persons violating this section shall be guilty of a misdemeanor and shall be subject to a fine not exceeding \$100.00 for each such violation.

(Ord. of 12-13-2011)

Sec. 42-32. – Possession during open deer season.

(a) Pursuant to the authority of Code of Virginia, § 15.2-915.2, it shall, during open deer season in the county, 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. This section shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded shotgun or loaded rifle is necessary for his personal safety in the course of his employment or business.

(b) Any person violating this section shall be guilty of a

misdemeanor and shall be subject to a fine not exceeding \$100.00 for each such violation.

(Ord. of 4-14-1992, § 3)

Sec. 42-33. – Hunting game birds or animals near highways.

(a) Pursuant to the authority of Code of Virginia, § 29.1-526, it shall be unlawful to hunt with a firearm any game bird or game animal while the hunting is on or within 100 yards of any primary or secondary highway in the county. For the purpose of this section, the term “hunt” shall not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting area.

(b) Any person violating this section shall be guilty of a class 3 misdemeanor and shall be subject to punishment as provided in section 1-15

(Ord. of 4-14-1992, § 4)

Sec. 42-34. – Enforcement.

Game wardens, sheriffs and all other law enforcement officers shall have the power to enforce this article.

(Ord. of 4-14-1992, § 5)

Sec. 42-35 – Trespass after having been forbidden to do so; penalties

(a) If any person without authority of law goes upon or remains upon the lands, buildings, or premises of another, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or other person lawfully in charge thereof, or after having been forbidden to do so by sign posted by such persons or by the holder of any easement or other right

of way authorized by the instrument creating such interest to post such signs on such land, structures, premises or portion or area thereof at a place where it may be reasonably see, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Code of Virginia §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9, 19.2-152.10 or an ex parte order issued pursuant to Code of Virginia § 20-103, and after having been served with such order, he shall be guilty of a class 1 misdemeanor.

(b) Any owner of real property may, in writing on a form prescribed by the Sheriff's Office, designate the Sheriff's Office as a "person lawfully in charge thereof" as that term is used in subsection (a) of this section, for the purpose of forbidding another to go on or remain upon the lands, buildings, or premises of such owner. Such designation shall include a legal address, detailed description of the lands, buildings or premises to which it applies; shall be signed by a person who can demonstrate that he is the owner of the property or is legally authorized to act for the property owner; shall include a provision holding the county harmless and indemnifying the county for any claims arising from or in connection with the enforcement of this section; and shall be kept on file in the Sheriff's Office.

(c) A property owner's designation of the Sheriff's Office as a person lawfully in charge of the owner's property, as the term is used in subsection (a) of this section, becomes effective when the Sheriff or his designee delivers in person or mails to the property owner a copy of the property owner's designation

which has been signed by the Sheriff or his designee. Either the property owner or the Sheriff may rescind the designation of the Sheriff's Office as a person lawfully in charge of the owner's property at any time by written notification, which shall be kept on file with the property owner's designation as described in subsection (b) of this section.

(d) Such designation of the Sheriff's Office as a person lawfully in charge of the property shall be limited to the sole purpose of enforcing this section.

(Ordinance of 10-09-2018)