BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA

O-01-14

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 13th day of January, 2014:

Present:	Vote:
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

Motion was made by Mr. Davis, which carried 5:0, to adopt the following ordinance:

AN ORDINANCE AMENDING, RESTATING, READOPTING ARTICLE VII WEAPONS OF CHAPTER 46 OF THE NEW KENT COUNTY CODE

WHEREAS, the Virginia Code has language authorizing localities to enact ordinances which regulate weapons in New Kent County; and

WHEREAS, pursuant to Virginia Code specifically Chapters 29 and 18, the New Kent County Board of Supervisors has authority to amend Chapter 46, Article VII of the County Code; and

WHEREAS, the Board finds that it is in the interests of the County and its citizens to amend the County Code to reflect the Code of Virginia;

NOW, THEREFORE BE IT ORDAINED, on this 13th day of Januaray, 2014, that the New Kent County Board of Supervisors hereby amends, restates and readopts Article VII Weapons of Chapter 46 of the New Kent County Code, as set forth below:

~~Sec. 46-221. Discharge of firearms in residential subdivisions.~~

~~It shall be unlawful for any person to shoot or discharge any pistol, gun, rifle or firearm of any kind, except in the lawful defense of his person or property in any residential area in the county; provided, however, that this section shall not apply to any member of the armed forces of the United States or this state or to any law enforcement officer while lawfully acting in the performance of official duty.~~

~~(Code 1999, § 12-42)~~

~~Cross reference — Subdivisions, ch. 90.~~

~~State law reference — Willfully discharging firearms in public places, Code of Virginia, § 18.2-280.~~

Sec. 46-222. Firearms not to be carried ~~or~~ in vehicle, when loaded; enforcement.

(a) Except as otherwise provided by law, no person shall transport, possess or carry ~~have in his possession or under his control, or have in any vehicle in which he may be in charge or have in control,~~ any loaded shotgun or rifle ~~or other firearm while he or such~~ in any vehicle ~~is upon~~ on any public street, road or highway in the county~~, or, while either is unlawfully upon the land of another; provided, however, that law enforcement officers, and members of the armed forces of the United States or the military forces of this state when acting under competent order, shall be excepted; and provided, further, that such persons who shall be able to show at the time apprehended that his possession of the loaded firearm was required or reasonably necessary, under the then appearing circumstances, for the protection of his person or family from bodily injury or his property from serious damage by another shall also be excepted.~~ This ordinance shall be enforced by conservation police officers, sheriffs, and all other law enforcement officers.

(b) ~~It shall be the duty of all officers and other persons having powers of arrest in this county to arrest all persons known by them to violate subsection (a) of this section, and all such officers and other persons as have powers of arrest are hereby authorized to, and it shall be their duty, in all cases where they have reasonable grounds for believing that subsection (a) of this section is being violated, to inspect such firearms as they reasonably suspect of being loaded and to arrest, without warrant, violators of subsection (a) of this section.~~ The provisions of this section shall not apply to duly-authorized law enforcement officers or military personnel in the performance of their lawful duties, or 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.

(c) Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed $100.00.

(Code 1999, § 12-43)

Cross reference— *Traffic and vehicles, ch. 70.*

State law reference— *Enabling laws pertaining to carrying or transporting loaded firearms, Code of Virginia, § 15.2-915.2; Uniform Machine Gun Act, Code of Virginia, § 18.2-288 et seq.; Sawed-off Shotgun and Sawed-off Rifle Act, Code of Virginia, § 18.2-299 et seq.; other illegal weapons, Code of Virginia, § 18.2-308 et seq.*

Sec. 46-223. Firearms not to be used for hunting on or near highways.

(a) The hunting ~~or attempting to hunt,~~ with a firearm of 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 is hereby prohibited.

(b) For the purpose of this section, the term "hunt" ~~or "attempt to hunt"~~ shall not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting area.

(c) Any person who violates this section shall be guilty of a class 3 misdemeanor.

(Code 1999, § 12-44)

State law reference— *Authority for above section, Code of Virginia, § 29.1-526.*

Sec. 46-224. Carrying concealed.

No person shall violate the provisions of Code of Virginia, § 18.2-308 (personal protection; carrying concealed weapons; when lawful to carry).

(Code 1999, § 12-45)

Sec. 46-225. Hunting with muzzle loading rifle.

Any other provision of law notwithstanding, during the prescribed open season for the hunting and killing of big game, the hunting of big game with 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. The hunting of big game with any other rifle is expressly prohibited. Any person who violates this section shall be guilty of a class 3 misdemeanor.

(Code 1999, § 12-46)

State law reference— *Hunting with certain firearms, Code of Virginia, § 29.1-528.*

Sec. 46-226. Turkey shoots; operation.

(a) It shall be unlawful for any person to conduct a turkey shoot or any shooting match or similar activity involving the discharge of firearms at a target or targets with the object of such activity to determine a winner of a prize, such as a turkey or pork ham or other food stuff or other prize, unless the following conditions are met:

(1) No firearm used in such event shall be discharged within 150 feet of any public or semipublic road or highway.

(2) No such event shall be conducted after 10:00 p.m. and before 9:00 a.m. of the following day, except that on Friday and Saturday nights, events may continue until 11:00 p.m.

(3) No such event shall be conducted within any residential subdivision, as defined by chapter 90

(b) Any person who violates this section shall be guilty of a class 2 misdemeanor.

(Code 1999, § 12-41)

This ordinance is effective immediately.

Rodney A. Hathaway

County Administrator

Thomas W. Evelyn

Chairman