

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 422

*An Act to amend and reenact §§ 29.1-341, 29.1-344 and 29.1-349 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 29.1-341.1, relating to stationary duck blinds.*

[H 132]

Approved April 12, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 29.1-341, 29.1-344 and 29.1-349 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 29.1-341.1 as follows:**

§ 29.1-341. Stationary blinds defined.

*Stationary blinds shall mean For the purposes of this article, a stationary blind means a structure erected at a fixed location either on the shores of the public waters or in the public waters at a fixed location the required distance from other blinds and shall include brush or stake blinds, or any other stationary blinds permitted by law. Clubs or individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season. Stationary blinds shall be erected not later than November 1 of each year for the purpose of hunting and shooting waterfowl.*

*A stationary blind shall be (i) of such size and strength that it can be occupied by and conceal one or more hunters, or (ii) large enough to accommodate and conceal a boat or skiff from which one or more hunters intend to hunt or shoot waterfowl.*

§ 29.1-341.1. Number of stationary blinds permitted; when erected.

*Clubs or individuals who do not own riparian rights shall be permitted to license no more than two stationary blinds in the public waters in any one season. Stationary blinds shall be erected not later than November 1 of each year.*

§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights.

Each year, the owners of riparian rights, their lessees or permittees shall have the exclusive privilege of licensing and erecting *stationary* blinds on their shoreline, and the prior right of licensing and erecting *stationary* blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters. Such blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located further than halfway across the body of water from the riparian owner's shoreline. When such a license has been obtained and a stake or a *stationary* blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee. Riparian owners, their lessees or permittees may obtain licenses on and after July 1 and on or before August 31 of each year. A stake or a *stationary* blind shall be erected on the site, and a license plate supplied with the license for that season shall be affixed thereto by August 31. If a stake has been erected on the site of a stationary blind, such stake must be replaced by a blind by November 1 pursuant to the provisions of § 29.1-341. Such *stationary* blinds shall conform to the standards prescribed in ~~subsection C of § 29.1-349~~ § 29.1-341.

§ 29.1-349. Hunting, erecting blind within 500 yards of licensed blind.

A. No person shall hunt or shoot migratory waterfowl ~~or shoot~~ in the public waters of this Commonwealth from a boat, float, raft or other buoyant craft or device within 500 yards of any legally licensed erected stationary blind of another without the consent of the licensee, except when in active pursuit of a visible crippled waterfowl which was legally shot by the person.

B. No person shall erect a stationary blind in the public waters within 500 yards of any other licensed blind without the consent of the licensee. Any person who violates this subsection shall be guilty of a trespass, and the affected blind licensee may maintain an action for damages. Furthermore, the trial court shall immediately revoke the blind owner's license for the stationary blind where the offense was committed. The blind owner may be eligible for a license in the following open season upon the same conditions that would apply to a new applicant. When a license for a stationary blind has been revoked, the blind shall be destroyed by the former licensee or by the game warden.

C. ~~An erected stationary blind within the meaning of this section shall be a blind of such size and strength that it can be occupied by one or more hunters, or large enough to accommodate a boat or a skiff, and intended for use therefor.~~