

STEPHENS CITY CODE

Chapter 14

OFFENSES - MISCELLANEOUS

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*Cross Reference – Cruelty to animal, §3-6; music and entertainment festivals, Ch 11; noise, Ch 12; nuisances, Ch. 13.

State law references-Crimes and offenses generally, Code of Virginia, §18.2-1 et seq.

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ARTICLE 1. IN GENERAL

Sec. 14-1. Assault and battery.

It shall be unlawful for any person to commit a simple assault or assault and battery.

State law reference-Assault and battery, Code of Virginia, §§18.2-57, 18.2-57.1

Sec. 14-2. Attempts, aiding and abetting.

(a) It shall be unlawful for any person to attempt to commit any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof. It shall be unlawful for any person to aid or abet another in the commission or attempted commission of any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

(b) It shall be unlawful for any person to attempt to avoid the doing of any action which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet another in the avoidance or attempted avoidance of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

State law reference-Attempts to commit misdemeanors, Code of Virginia, §18.2-27.

Sec.14-3. Cemeteries, burial grounds, etc., protected against vandalism, etc.

(a) It shall be unlawful for any person, not having proper authority so to do, to enter any cemetery or burial ground except through the gates provided for such purpose, or to enter or remain therein while such premises are closed to the public.

(b) It shall be unlawful for any person to willfully or maliciously commit any of the following acts:

1. Destroys, removes, cuts, breaks, or injures any tree, shrub, or plant on any church property or within any cemetery or lot of any memorial or monumental association.
2. Destroys, mutilates, injures, or removes and carries away any flowers, wreaths, vases, or other ornaments placed within any church or on church property, or placed upon or around any grave, tomb, monument, or lot in any cemetery, graveyard or other place of burial.
3. Obstructs proper ingress to and egress from any church or any cemetery or lot belonging to any memorial or monumental association.
4. Destroys, mutilates, defaces, injures, or removes any object or structure permanently attached or affixed within any church or on church property, any tomb, monument, gravestone, or other structure placed within any cemetery, graveyard, or place of burial.

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or within any lot belonging to any memorial or monumental association, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other such structure, or of any cemetery lot within any cemetery.

(c) This section shall not apply to any work which is done by the authorities of a church or congregation in the maintenance or improvement of any church property or any burial ground or cemetery belonging to it and under its management or control and which does not injure or result in the removal of a tomb, monument, gravestone, grave marker or vault. For the purposes of this section, "church" means any place of worship, and "church property" means any educational building or community center owner or rented by a church.

Cross reference-Definitions and rules of construction generally, §1-2; funeral processions, §10-9, et seq.

State law reference-Similar provisions, Code of Virginia, §18.2-127.

Sec. 14-4. Curfew for minors.

(a) It shall be unlawful for any parent, guardian or other adult person having the care and custody of any minor under 18 years of age to permit or allow such minor child to loiter or remain in or upon any street, alley, sidewalk or other public place within the town or to loiter or remain in or about any motor vehicle in and upon any street, alley or public parking place within the town, whether the same shall be parked or in motion, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, unless such minor shall be accompanied by such parent, guardian or other adult person having the legal care, custody of such child, or unless such minor child is engaged in lawful employment making it necessary to be in such places during such hours.

(b) It shall be unlawful for any minor under the age of 18 years to loiter and remain in or upon any street, alley, sidewalk or other public place within the town or to loiter or remain in or about any motor vehicle in and upon any street, alley or public parking place within the town, whether the same shall be parked or in motion, between the hours of 11:00 p.m. and 6:00 a.m. of the following day unless such minor shall be accompanied by such parent, guardian or other adult person having the legal care, custody and control of such child, or unless such minor is engaged in lawful employment making it necessary to be in such places during such hours.

(c) It shall be unlawful for the owner, manager or other person having control of any public place or any business or private motor vehicle to permit, allow or encourage any minor child under the age of 18 years to loiter or remain in or about such public place or motor vehicle, as described above in this section, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, unless such child is accompanied by a parent, guardian or other adult person having the legal care, custody and control of such child, or is engaged in lawful employment, in the manner hereinbefore described.

(d) This section shall not be construed as to prohibit such minor children from attending places of religious worship or meetings held by or under the auspices of the Boy Scouts, Girl Scouts, P.T.A., high school, organized Little League programs or other like organizations, unaccompanied by the parent, guardian or other adult person.

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(e) Every member of the police force of the town is hereby authorized to detain such minor willfully violating the provisions of subsection (b) of this section until the parent or guardian of the child shall take him into custody, but such officers shall immediately upon taking custody of the child communicate with the parent or guardian.

(f) A violation of this Section shall constitute a class 3 misdemeanor, as set for in Section 1-7 of this Code.

State law reference – Curfew for minors, Code of Virginia, §15.1-33.4.

Sec. 14-5. Dancehalls and public dances.

(a) It shall be unlawful for any person to operate or conduct a public dancehall within the limits of the town on Sunday or between the hours of 2:00 a.m. and 8:00 a.m. of any weekday. A “public dancehall” as used in this section, means any place where dancing is permitted to which an admission fee is charged or for which compensation in any manner received, either directly or indirectly, or where refreshments are served for compensation, either before or after dancing. This section, however, shall not apply to dances held for benevolent, charitable, patriotic or civic purpose, or when they are conducted under the auspices of religious or educational organizations, except, in no case shall such dances be held on Sunday.

(b) Any person who violates any provision of subsection (a) shall be guilty of a class 3 misdemeanor.

Cross reference-Definitions and rules of construction generally, §1-2.

State law reference-Local regulation of dancehalls, Code of Virginia, §18.2-433.

Sec. 14-6. Drinking alcoholic beverages, or tendering to another, in public places; penalty.

(a) If any person takes a drink of alcoholic beverages or tenders a drink thereof to another, whether accepted or not, at or in any public place (as defined in Code of Virginia, §4-2), he shall be guilty of a class 4 misdemeanor.

(b) This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in the dining room or other designated room, as defined in Code of Virginia, §4-25, of a hotel, restaurant, club or boat, or in a dining car, club car, or buffet car of any train, or wine, wine coolers, or similar products that quality as beverages as defined in Code of Virginia, §4-99, and beer only within all seating areas, concourses, walkways, concession areas, as well as other additional locations designated by the state alcoholic beverage control board, in coliseums, stadia, or similar facilities during the performance of a professional sporting exhibition or event, provided such alcoholic beverage and beverages are served in a paper, plastic or similar disposable container, or in any other establishment, provided such hotel, restaurant, club, boat, dining car, club car, buffet car, coliseum, stadium or similar facility or other establishment, or the person who operates the same, including a concessionaire, is licensed to sell at retail for consumption in such dining room, room, car, seating areas, concourses, walkways, concession areas, as well as other additional locations designated by the board, in such coliseum, stadium or similar facility or establishment, such alcoholic beverages, and the alcoholic beverages drunk or offered were purchased therein.

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(c) This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any area approved by the board in any local public park at an event for which a banquet license or mixed beverage special events license has been issued or present, upon authorization of the licensee, any person from drinking his own lawfully acquired alcoholic beverages or tendering a drink thereof to another in approved areas and locations at events for which a coliseum or stadium license has been issued.

State law reference – Similar provision, Code of Virginia, §4-78; local ordinances regulating alcoholic beverages, Code of Virginia, §4-96.

Sec. 14-7. False alarms and reports.

(a) No person shall knowingly give or cause to be given any false alarm of fire.

(b) No person shall knowingly give or cause to be given any false alarm of explosion or impending danger of explosion.

(c) No person shall knowingly give or cause to be given any false alarm of the need for police protection, assistance or investigation, or any false report to the police department.

(d) No person shall knowingly give or cause to be given any false alarm of the need for an ambulance or medical assistance.

Cross reference-Fire prevention and protection, ch. 6; police, ch. 15.

State law reference-Calling or summoning ambulance or fire-fighting apparatus without just cause, or maliciously activating fire alarm, Code of Virginia, § 18.2-212; giving false report to police officer, Code of Virginia, §18.2-461.

Sec. 14-8. Gambling – Definitions.

The following words, terms and phrases, when used in section 14-9 and 14-10, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Gambling device includes:

1. Any device, machine, paraphernalia, equipment, or other thing, including books, records and other papers, which are actually used in an illegal gambling operation or activity; and
2. Any machine, apparatus, implement, instrument, contrivance, board or other thing, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed

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something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to items of merchandise of equivalent value that may differ from each other in composition, size, shape or color, shall not be deemed gambling devices within the meaning of this subsection.

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

Illegal gambling means the making, placing or receipt of any bet or wager in this town of money or other thing of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value, dependent upon the result of any game, contest or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest or event occurs or is to occur inside or outside the limits of the town.

Cross reference-Definitions and rules of construction generally, §1-2.

State law reference-Similar provisions, Code of Virginia, §18.2-325.

Sec. 14-9. Same – Penalty for illegal gambling.

Any person who illegally gambles shall be guilty of a class 3 misdemeanor. If an association or pool of persons illegally gamble, each person therein shall be guilty of illegal gambling.

State law reference-Gambling, Code of Virginia, §18.2-325 et seq.; penalty for illegal gambling, Code of Virginia, §18.2-326.

Sec. 14-10. Same – Illegal possession, etc., of gambling device; penalty.

A person is guilty of illegal possession of a gambling device when he manufactures, sells, transports, rents, gives away, places or possesses, or conduct or negotiates any transaction affecting or designed to affect ownership, custody or use of any gambling device, believing or having reason to believe that the same is to be used in the advancement of unlawful gambling activity. Violation of any provision of this section shall constitute a class 1 misdemeanor.

State law reference-Illegal possession, etc., of gambling device, Code of Virginia, §18.2-331.

Sec. 14-11. Governmental functions of town not be hampered by concerted effort, sit-ins or other methods.

(a) The Town Council takes cognizance of reported activities of organized groups of individuals in other municipalities in the United States, such as so-called sit-ins held in the offices and hallways of building in which governmental business is transacted; disruption of vehicular and pedestrian traffic, designed to prevent or delay governmental personnel from reaching their places of duty;

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failing or refusing to obey the lawful orders of police officers and others in authority, etc., all for the avowed purpose of preventing public officers and employees from performing their duties and thereby preventing altogether, or hindering and delaying, the transaction of governmental business and nullifying important functions of government.

(b) The Town Council takes further cognizance of the fact that this town is a municipal corporation existing under the laws of the state, with a representative form of government in harmony with the Constitution of the United States and the state and that the primary purpose of the town government is to serve the people of the town. The Town Council finds that activities of groups of individuals which are intended and designed to prevent, delay, hinder or otherwise impair the lawful transaction of business or functions of the town government constitute a clear and present danger to the good order and government of the town for its established purposes. Though but one such organized effort may not be wholly effective, nevertheless, if it is not promptly and firmly dealt with, other such efforts may be expected to follow, so that any one such organized effort does in fact constitute a clear and present danger.

1. To the ability of the town government to serve the people of the town; and
2. To the very survival of the town as a lawful municipal corporation.

(c) Therefore, and in view of the foregoing findings, it shall be unlawful for any person, acting alone or in concert with one or more other persons, to commit any act or omission, otherwise lawful, with intent to prevent, delay, confuse, disrupt, pervert or render ineffective the orderly and timely transaction of any town business or any governmental or proprietary function of the town.

State law reference-Authority of town to prohibit loitering, Code of Virginia, §15.1-33.4; persons occupying or using streets, etc., contrary to law, Code of Virginia, §15.1-316 et seq.

Sec. 14-12. Hoods and masks – generally.

It shall be unlawful for any person over 16 years of age while wearing any mask, hood or other device hereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any public place, or to be or appear upon any private property in this town without first having obtained from the owner or tenant thereof consent to do so in writing; provided that the provisions of this section shall not apply to persons:

1. Wearing traditional holiday costumes;
2. Engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons;
3. Engaged in any bona fide theatrical production or masquerade ball; or
4. Wearing a mask, hood or other device for bona fide medical reasons upon the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device.

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Sec. 14-13. Same – Halloween.

It shall be unlawful for any person over 12 years of age to appear on a street or any other public place in the town wearing a hood or mask obscuring his identity for the purpose of Halloween trick or treat visitations.

State law reference-Wearing masks in certain places, Code of Virginia, §18.2-422.

Sec. 14-14. Indecent exposure.

It shall be unlawful for any person to intentionally make an obscene display or exposure of his person, or the private parts thereof, in any public place or in any place where others are present, or to procure another to so expose himself.

State law reference-Similar provisions, Code of Virginia, §18.2-387.

Sec. 14-15. Loitering.

(a) No person or aggregation of persons shall assemble so as to obstruct the public streets, sidewalks, alleys, public places and public buildings, places of amusement and entertainment, vacant lots and any other public grounds or privately owned property open to the public in the town; or sit, stand or lounge in or around the aforementioned places or in the entrance ways of churches, private homes or places of business so as to annoy the owners or occupants or interfere with the use of the building or the annoyance or disturbance of the citizens of the town or any other person rightfully within the confines of the town.

(b) Persons loitering, sitting or standing on any street, sidewalk and the aforementioned places shall move on or separate when required to do so by any authorized law enforcement officer and shall cease to occupy such position.

Cross reference-Streets, sidewalks and public places, ch. 17.

State law reference- Authority of town to prohibit loitering, Code of Virginia, §15.1-33.4

Sec. 14-16. Obscene placards, posters, bills, etc.

It shall be unlawful for any person knowingly to expose, place, display, post up, exhibit, paint, print, or mark or cause to be exposed, placed, displayed, posted, exhibited, painted, printed or marked, in or on any building, structure, billboard, wall or fence, or on any street, or in or upon any public place, any placard, poster, banner, bill, writing, or picture which is obscene, or which advertises or promotes any obscene item proscribed in Code of Virginia, §18.2-373, or any obscene exhibition or performance proscribed in Code of Virginia, §18.2-375, or knowingly to permit the same to be displayed on property belonging to or controlled by him.

State law reference-Obscene picture, writing, etc., Code of Virginia, § 18.2-377.

Sec. 14-17. Obstructing free passage of others.

Any person who, in any public place or on any private property open to the public, unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such public place or private property and who shall fail or refuse to cease such obstruction or move on

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when requested to do so by the owner or lessee or agent or employee of such owner or lessee or by a duly authorized law enforcement officer shall be guilty of a class 1 misdemeanor, but nothing in this section shall be construed to prohibit lawful picketing.

State law reference-Similar provisions, Code of Virginia, §18.2-404.

Sec. 14-18. Parking or stopping areas adjoining residential lots.

(a) Where a commercial or business use is made of any lot within the town limits which involves the parking or stopping of ten or more vehicles upon the premises and which adjoins a lot used for residential purposes, a six-foot ornamental fence or masonry wall shall be erected and maintained thereon at least one foot from the side or property line of such residential lot. Such fence or wall shall be constructed so as to prevent the lights of vehicles from being directed upon the adjoining residential property and to prevent trespass thereon.

(b) Any lights used to illuminate such parking or stopping area shall be so arranged and hooded as to confine all direct light rays entirely within the boundary line of such area.

Cross reference-Stopping, standing and parking. §10-36 et seq.

Sec. 14-19. Petit larceny.

It shall be unlawful for any person to commit larceny from the person of another of money or other thing of value of less than \$5.00, or to commit simple larceny not from the person of another of goods and chattels of the value of less than \$200.00.

State law reference-Similar provisions, Code of Virginia, §18.2-96.

Sec. 14-20. Pool rooms, billiard rooms; minors.

All pool rooms and billiard rooms in the town which cater to the public and for which an admission charge or playing charge or fee is made shall be subject to the following restriction and regulations.

1. Every such pool room or billiard room shall close not later than midnight each day, and shall not be opened earlier than 7:00 a.m. of the following day.
2. Every room used for such purpose shall be located opening on a public street, with glass doors and windows permitting an unobstructed view of such room. No partition or screen, window display, drapes, curtains or paint shall be allowed to obscure the view of such room from the street.
3. No gambling, betting, use of marijuana or any narcotic, profane language or any disorderly conduct whatsoever shall be allowed in any such place of amusement.
4. It shall be unlawful for any person under the age of 18 years to frequent, play or loiter in any such pool or billiard room, or for the proprietor or operator thereof or his agent to permit such person to so do; and there shall be posted conspicuously at or near the entrance of such place a sign in bold letters not less than two inches in height reading "NO PERSON UNDER 18 YEARS OLD ALLOWED IN HERE." Any person who shall violate or fail to comply with any provision of this subsection shall be guilty of a class 3 misdemeanor.

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Any person who shall violate or fail to comply with any provision of subsections (1) through (3) of this section shall, upon conviction, be punished as provided in section 1-7.

State law reference-Regulation of minors in public places of amusement, Code of Virginia, § 18.2-432.

Sec. 14-21. Private property protected-Personal property.

No person shall, knowingly and without proper authority, use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any personal property of another.

State law reference-Damage to and tampering with property, Code of Virginia, §18.2-144.

Sec. 14-22. Same-Real property.

No person shall, knowingly and without property authority, destroy, damage, deface, molest or otherwise interfere with, or trespass upon, any real property of another.

State law reference-Damage to realty and personalty thereon, Code of Virginia, §18.2-137.

Sec. 14-23. Same-Instigating, etc., trespass by others; preventing service to persons not forbidden to trespass.

No person shall solicit, urge, encourage, exhort, instigate or procure another or others to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person or persons to have been forbidden to do so by a sign posted on such lands, buildings, premises or part, portion or area thereof at a place where it may reasonably be seen. No person shall, on such lands, buildings, premises or part, portion or area thereof prevent or seek to prevent the owner, lessee, custodian, person in charge or any of his employees from rendering service to any person not so forbidden.

State law reference-Similar provisions, Code of Virginia, §18.2-120.

Sec. 14-24. Profane swearing and intoxication in public; penalty; transportation of public inebriants to detoxification center.

If any person profanely curses or swears or is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, he shall be deemed guilty of a class 4 misdemeanor. In any area in which there is located a court-approved detoxification center a law enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

State law reference-Similar provision, Code of Virginia, §18.2-388.

Sec. 14-25. Profane, threatening or indecent language over public airways-Prohibited.

If any person shall use obscene, vulgar, profane, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act with

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the intent to coerce, intimidate, or harass any person, over any telephone or citizens band radio, in this town, he shall be guilty of a class 1 misdemeanor.

State law reference-Similar provisions, Code of Virginia, §18.2-427.

Sec. 14-26. Same-Duty of telephone companies; notices in directories.

(a) I shall be the duty, on paid of contempt of court, of each telephone company in this town to furnish immediately in response to a subpoena issued by a circuit court such information as it, its officers and employees may possess which, in the opinion of the court, may aid in the apprehension of persons suspected of violating the provisions of section 14-25.

(b) Every telephone directory distributed to the public which lists the calling numbers of telephones or of any telephone exchange located in this town shall contain a notice which explains the offenses made punishable under section 14-25, such notice to be printed in type which conforms with and is comparable to other type on the same page, and to be placed in a prominent place in such directory. Any violations of this subsection shall be punishable as a class 4 misdemeanor.

State law reference-Similar provisions, Code of Virginia, §18.2-431.

Sec. 14-27. Slander and libel.

(a) Any person who shall falsely utter and speak, or falsely write and publish, of and concerning and female of chaste character, any words derogatory of such female's character for virtue and chastity, or imputing to such female acts not virtuous and chaste, or who shall falsely utter and speak, or falsely write and publish, of and concerning another person, any words which from their usual construction and common acceptance are construed as insults and tend to violence and breach of the peace or shall use grossly insulting language to any female of good character or reputation, shall be guilty of a class 3 misdemeanor.

(b) The defendant shall be entitled to prove upon trial in mitigation of the punishment, the provocation which induced the libelous or slanderous words, or any other fact or circumstance tending to disprove malice, or lessen the criminality of the offense.

State law reference-Similar provisions, Code of Virginia, §18.2-417.

Sec. 14-28. Slingshots and stone throwing on public streets.

(a) It shall be unlawful for any person to shoot with elastic slingshots on the public streets of the town.

(b) It shall be unlawful for anyone to throw a stone or other missile in the public streets.

Cross reference-Streets, sidewalks and public places, ch.17.

State law reference-Shooting at or throwing missiles, etc., at train, car, vessel, etc., Code of Virginia, §18.2-154.

Sec. 14-29. Town property not to be tampered with, removed, trespassed upon, etc.

(a) No person shall, without proper authority, knowingly use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any books, records, furniture,

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equipment, gear, apparatus, tools or other items of personal property belonging to, leased to or used by the town or any agency thereof.

(b) No person shall, without proper authority, knowingly destroy, damage, deface, molest or otherwise interfere with or trespass upon, any real property belonging to, leased to or used by the town or any agency thereof.

State law reference-Crimes against property, Code of Virginia, §18.2-77 et seq.

Sec. 14-30. Wells and springs not to be polluted.

No person shall pollute any spring or well belonging to another.

Cross reference-Water, sewers and sewage, ch. 22.

State law reference-Municipal prevention of water pollution, Code of Virginia, §15.1-292.

Sec. 14-31. Yard Sales which are not a licensed business.

(a) No person shall conduct any sales, commonly known as garage sales, backyard sales, yard sales and the like, at which is offered for sale secondhand or used clothing, merchandise or any used articles for a period of time longer than three (3) consecutive days. Items offered for sale must be from the immediate neighborhood and shall not be purchased for resale.

(b) No person may conduct more than two (2) such sales at any location during any calendar year.

(c) No signs advertising such sales shall be placed on any property other than that of the residence of the person conducting such sale, and such signs shall conform with Town signage requirements.

(d) Any person who violates any section of this ordinance may be found guilty of a Class 4 misdemeanor, with a fine not to exceed \$50.00. Nothing in this ordinance shall be construed to limit a licensed business in Town from conducting its licensed trade.

Ord of 2-1-2005

Secs. 14-32-14-55. Reserved.

ARTICLE II. TOWN OFFICERS AND EMPLOYEES.

Sec. 14-56. Interfering with, etc.

No person shall carelessly or willfully interfere with, resist, hinder or obstruct any officer or employee of the town who is engaged in, en route to or returning from the performance of official duty, whether such interference, hindrance or obstruction is by threat, assault or otherwise.

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Sec. 14-57. Failure, etc., to assist in performance of certain duties.

If any person, on being required by any police officer, refuses or neglects to assist him:

1. In the execution of his office in a criminal case;
2. In the preservation of the peace;
3. In the apprehending or securing of any person for breach of the peace; or
4. In any case of escape or rescue.

he shall be guilty of a class 2 misdemeanor.

State law reference-Similar provisions, Code of Virginia, §18.2-463; failure to obey order of conservator of the peace, Code of Virginia, §18.2-464.

Sec. 14-58. Impersonation.

No person shall falsely represent himself to be an officer or employee of the town, or without proper authority wear or display any uniform, insignia or credential which identifies any town officer or employee; nor shall any person without proper authority assume to act as an officer or employee of the town, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committee in his presence.

State law reference-Impersonating peace officer, Code of Virginia §18.2-174; unlawful wearing of officer's uniform or insignia, Code of Virginia, §18.2-175.

Sec. 14-59. Courtesy, etc., due to and from; prohibited acts.

(a) Town officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as to not knowingly deprive any person, at the time and under the circumstances then and there existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any town officer or employee in violation of this subsection is hereby invited to bring such matter to the attention of such officer's or employee's department head or to the Mayor without prejudice to any other recourse to which such aggrieved person may be entitled.

(b) Members of the public, in turn, should be courteous in their transactions with town officers and employees, and it shall be unlawful for any person to knowingly taunt, deride, jeer at or otherwise debase or insult, whether by act, word or gesture, any town officer or employee at any time or place while such town officer or employee is lawfully engaged in the performance of official duty.

Secs. 14-60 – 14-75. Reserved.

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ARTICLE III. DISORDERLY CONDUCT

Sec. 14-76. Generally.

(a) Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

1. Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety of his life, limb or health.
2. Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.
3. Any person who shall endanger lawful pursuits of another by acts of violence, angry threats and abusive conduct.
4. Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
5. Any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl.
6. Any person who shall be found jostling or roughly crowding or pushing any person in any public place.
7. Any persons who shall collect in bodies or in crowds for unlawful purposes.
8. Any person who shall assemble or congregate with another or others for the purpose of or with the intent to engage in gaming.
9. Any person who shall frequent any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device.
10. Any person who assembles with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or who shall aid or abet therein.
11. Any person who utters, while in a state of anger, in the presence of another, any lewd or obscene words or epithets.
12. Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced.
13. Any person who shall act in a dangerous manner toward others.
14. Any person who shall use fight-provoking words directed towards any person who becomes outraged and thus creates turmoil.
15. Any person who shall assemble or congregate with another or others for the purpose of doing bodily harm to another.
16. Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.
17. Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.
18. Any person who makes any unreasonably loud and unnecessary noise.
19. Any person who damages, defouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

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(b) Any person convicted of disorderly conduct, as defined in this section, shall be punished as provided in section 1-7.

State law reference-Extortion and other threats, Code of Virginia, §18.2-59 et seq.; disorderly conduct, Code of Virginia, §18.2-415; abusive and insulting language, Code of Virginia, §18.2-416, 18.2-417.

Sec. 14-77. On school premises.

It shall be unlawful for any person to create a disturbance or use loud, profane or obscene language or loiter in any public, parochial or private school building or on the premises of any such school, or to refuse promptly to leave such school building and premises upon the request of the principal, superintendent or any officer or employee of the school.

State law reference-Disruption of school meeting, Code of Virginia, §18.2-415.

Sec. 14-78. In public conveyance.

It shall be unlawful for any person, whether a passenger or not, while in or on any public conveyance, to behave in a riotous or disorderly manner. The agent or employees in charge of such public conveyance may require such person to discontinue his riotous or disorderly conduct, and if he refuses to do so may eject him, with the aid, if necessary, of any other persons who may be called upon for the purpose.

State law reference-Similar provisions, Code of Virginia, §18.2-415.

Sec. 14-79. In other public places.

If any person behaves in a riotous or disorderly manner in any street, highway, public building, or any other public place, other than those mentioned in section 14-78, or causes any unnecessary disturbance in or on any public conveyance, by running through it, climbing through windows or upon the seats, failing to move to another seat when lawfully requested to do so by the operator, or otherwise annoying passengers or employees therein, he shall be guilty of a class 1 misdemeanor.

State law reference-Disorderly conduct, Code of Virginia, §18.2-415.

Sec. 14-80. Disturbance of religious worship.

It shall be unlawful for any person to willfully interrupt or disturb any assembly met for the worship of God or, being intoxicated, disturb the same, whether willfully or not. Any person found guilty of a violation of this section may be required to enter into a recognizance for his good behavior for a period not exceeding 12 months, in addition to any penalty which may be imposed.

State law reference-Disorderly conduct, Code of Virginia, §18.2-415; recognizance to keep the peace, Code of Virginia, §19.2-19 et seq.

Secs. 14-81 – 14-95. Reserved.

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ARTICLE IV. WEAPONS*

Sec. 15-96. Willfully discharging firearms in town.

It shall be unlawful for any person to willfully discharge or cause to be discharged any firearm anywhere within the town; provided, that this section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by state law, this Code or other ordinance or by majority vote of the Town Council duly entered in its minutes.

State law reference-Willfully discharging firearms in public place, Code of Virginia, §18.2-280; Uniform Machine Gun Act, Code of Virginia, §18.2-288 et seq.; Sawed-Off Shotgun Act, Code of Virginia, §18.2-299 et seq.

Sec. 14-97. Pointing or brandishing firearm or object similar in appearance.

(a) It shall be unlawful for any person to point or brandish any firearm, as hereinafter described, or any object confusingly similar in appearance to a firearm, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another.

(b) Any police officer, in the performance of his duty in making an arrest under the provisions of this section shall not be civilly liable in damages under any provision of this Code or other ordinance of the town for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing or brandishing such firearm or object which was confusingly similar in appearance to a firearm with intent to induce fear in the mind of another.

(c) For purposes of this section the word "firearm" shall mean any weapon in which ammunition may be used or discharged by explosion or pneumatic pressure. The word "ammunition" as used herein, shall mean cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

Cross reference-Definition and rules of construction generally, §1-2.

State law reference-Similar provisions, Code of Virginia, §18.2-282.

Sec. 14-98. Carrying concealed weapons, when lawful to carry.

(a) If any person carry about his person, hid from common observation, any pistol, dirk, bowie knife, switchblade knife, razor, slungshot, metal knucks, or any weapon of like kind, he shall upon conviction thereof be fined not less than \$20.00 nor more than \$500.00 and in the discretion of the jury or the court trying the case without a jury, may, in addition thereto, be committed to jail for not more than 12 months, and such pistol, dirk, bowie knife, switchblade knife, razor, slungshot, metal knucks, or weapon of like kind, shall, by order of the court be forfeited to the town and may be seized by an officer as forfeited, and such as may be needed for police officers and conservators of the peace shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

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(b) This section shall not apply to any police officer, sergeant, sheriff, conservator or the peace, or to carriers of United States mail in rural districts, or to any collecting officer while in the discharge of his official duty, or to anyone holding a currently valid permit to carry a concealed weapon issued by a court of competent jurisdiction pursuant to law.

State law reference-Carrying concealed weapon, Code of Virginia, §18.2-308; forfeiture of certain weapons used in commission of criminal offense, Code of Virginia, §18.2-310.

Sec. 14-99. Prohibiting the selling or having in possession blackjacks, etc.

If any person sells or barter, or exhibits for sale or for barter, or gives or furnishes, or causes to be sold, bartered, given or furnished, or has in his possession, or under his control, with the intent of selling, bartering, giving or furnishing, any blackjack, brass or metal knucks, any disc of whatever configuration having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, switchblade knife, ballistic knife, or like weapons, such person shall be guilty of a class 4 misdemeanor. The having in ones possession of any such weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give or furnish the same.

State law reference-Similar provisions, Code of Virginia, §18.2-311.

Secs. 14-116. Reserved.

***State law reference**-Municipal control of firearms, Code of Virginia, §15.1-29.15.

ARTICLE V. RIOTS*

Sec. 14-116. What constitutes a riot or unlawful assembly.

As used in this article:

1. Any unlawful use, by three or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace or public order is riot.
2. Whenever three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely seriously to jeopardize public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly.

Cross reference-Definitions and rules of construction generally, § 1-2.

State law reference-Similar provisions, Code of Virginia, §18.2-405, 18.2-406.

Sec. 14-117. Punishment for participating in riot.

Every person convicted of participating in any riot shall be punished as follows:

1. If such person carried, at the time of such riot, any firearm or deadly or dangerous

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weapon, by imprisonment in the penitentiary for not less than one year nor more than ten years; or in the discretion of the jury, or judge trying the case without a jury, by confinement in jail not to exceed one year or by fine not to exceed \$1,000.00, either or both.

2. In all other cases, such person shall be punished in the same manner as for a misdemeanor as provided in Code of Virginia, §18.2-12.

State law reference-Punishment for conviction of felony, Code of Virginia, §18.2-10; punishment for participating in riot, Code of Virginia, §18.2-405.

Sec. 14-118. Penalty for participating in unlawful assembly.

Every person who participates in any unlawful assembly shall be guilty of a class 1 misdemeanor.

State law reference-Punishment for participating in unlawful assembly, Code of Virginia, §18.2-406.

Sec. 14-119. Remaining at place of riot or unlawful assembly after warning to disperse.

Every person, except the owner or lessee of the premises, his family and no rioting guests, and public officers and persons assisting them, who remains at the place of any riot or unlawful assembly after having been lawfully warned to disperse, shall be guilty of a class 3 misdemeanor.

State law reference-Similar provisions, Code of Virginia, §18.2-407.

Sec. 14-120. Conspiracy; incitement, etc., to riot.

Any person who conspires with others to cause or produce a riot, or directs, incites, or solicits other persons who participate in a riot to acts of force or violence, shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years; or, in the discretion of the jury, or judge trying the case without a jury, by confinement in jail not to exceed one year or by fine not to exceed \$1,000.00, either or both.

State law reference-Similar provisions, Code of Virginia, 18.2-408.

Sec. 14-121. Resisting or obstructing execution of legal process.

Every person acting jointly or in combination with any other person to resist or obstruct the execution of any legal process shall be guilty of a class a misdemeanor.

Sec. 14-122. Dispersal of unlawful or riotous assemblies.

When any number of persons, whether armed or not, unlawfully or riotously are assembled, the police official of the town, or any of them, shall go among the persons assembled or as near to them as safety will permit and commend them in the name of the state immediately to disperse. If upon such command the persons unlawfully assembled do not disperse immediately, the officers may use such force as is reasonably necessary to disperse them and/or to arrest those who fail or refuse to disperse. To accomplish this end, the law enforcement officers may request and use the assistance and services of private citizens. No liability, criminal or civil, shall be imposed upon any

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person authorized to disperse or assist in dispersing a riot or unlawful assembly for any action of such person which was taken after those rioting or unlawful assembled had been commanded to disperse, and which action was reasonably necessary under all the circumstances to disperse such riot or unlawful assembly or to arrest those who failed or refused to disperse.

State law reference-Similar provisions, Code of Virginia, §18.2-411, 18.2-412; power of governor to summon law enforcement agencies to preserve the peace, Code of Virginia, §18.2-410

Sec. 14-123. Duty of officers dispersing rioters; killing or injuring rioters.

Every endeavor must be used, by the police officers and by the officer commanding any other force, which can be made consistently with the preservation of life, to induce or force the rioters to disperse before an attack is made upon them by which their lives may be endangered. If any of the persons so riotously or unlawfully assembled shall be killed, maimed or otherwise injured, in consequence of resisting police officers or others in dispersing and apprehending them, or in attempting to disperse and apprehend them, such officers and others acting by their authority, or the authority of any of them, shall be held guiltless; provided, such killing, maiming or injury shall take place in consequence of the use of necessary and proper means to disperse or apprehend any such persons so riotously or unlawfully assembled.

State law reference-Similar provisions, Code of Virginia, §18.2-411.

Sec. 14-124. Commission of certain offenses when town declared by governor to be in state of riot or insurrection.

Any person who, after the publication of a proclamation by the governor, or who, after lawful notice to disperse and retire, resists or aids in resisting the execution of process in the town when the town is declared to be in a state of riot or insurrection, or who aids or attempts the rescue or escape of another person from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the governor or any sheriff or other officer to quell or suppress an insurrection or riot, shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not less than two years nor more than ten years; or, in the discretion of the jury, or judge trying the case without a jury, by confinement in jail not to exceed one year or by fine not to exceed \$1,000.00

State law reference-Similar provisions, Code of Virginia, §18.2-413.

Sec. 14-125. Injury to property or persons by persons unlawfully or riotously assembled.

If any person or persons, unlawfully or riotously assembled, pull down, injure or destroy, or begin to pull down, injure or destroy any dwelling house or other building, or assist therein, or perpetrate any premeditated injury on the person of another, they shall be guilty of a class 1 misdemeanor.

State law reference-Similar provisions, Code of Virginia, §18.2-414.