

Chapter 14 MISCELLANEOUS OFFENSES

ARTICLE I. IN GENERAL

Sec. 14-1. Summons.

- (a) Whenever any person is detained by or is in the custody of an arresting officer for violation of a town ordinance punishable as a misdemeanor or traffic infraction, such officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his motor vehicle, if any, and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest. Such officer shall release such person from custody upon the giving by such person of a written promise to appear at such time and place. Any person refusing to give such promise to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate. Any person who willfully violates such written promise to appear, given in accordance with this section, shall be guilty of a Class 1 misdemeanor.
- (b) Notwithstanding the provisions of subsection (a) of this section, as to any person:
- (1) Charged with an offense causing or contributing to an accident resulting in the injury or death of any person;
 - (2) Charged with reckless driving or driving under the influence of intoxicants;
 - (3) Whom the arresting officer has good cause to believe has committed a felony; or
 - (4) Whom the officer has reason to believe may disregard a summons issued hereunder;

the arresting officer may, in his discretion, take such person forthwith before the nearest or most accessible magistrate.

(Code 1988, § 1-54; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Code of Virginia, §§ 19.2-74, 19.2-82.

Sec. 14-2. Assessment for electronic summons system.

There is hereby imposed and assessed by the town, in accordance with Code of Virginia, § 17.1-279, as amended, an additional sum of \$5.00 as part of the costs in each criminal and traffic case prosecuted on a town warrant or summons in either the circuit court, general district court, or juvenile and domestic relations district court. The assessment shall be collected by the clerk of the court in which the warrant or summons is filed and remitted to the town treasurer. Such funds shall be held by the town and used to defray the hardware, software and other equipment costs associated with implementation and maintenance of the electronic summons system.

(Code 1988, § 1-54.1; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999; Ord. of 7-1-2019)

Secs. 14-3—14-22. Reserved.

ARTICLE II. OFFENSES RELATING TO PERSONS

Sec. 14-23. Assault and battery.

Any person who commits a simple assault or assault and battery shall be guilty of a Class 1 misdemeanor.

(Code 1988, § 1-9; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-57.

Sec. 14-24. Peeping or spying into a structure occupied as a dwelling.

- (a) It shall be unlawful for any person to enter upon the property of another and secretly or furtively peep, spy or attempt to peep or spy into or through a window, door or other aperture of any building, structure, or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, or to do the same, without just cause, upon property owned by him and leased or rented to another under circumstances that would violate the occupant's reasonable expectation of privacy.
- (b) It shall be unlawful for any person to use a peephole or other aperture to secretly or furtively peep, spy or attempt to peep or spy into a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location or enclosure for the purpose of viewing any nonconsenting person who is totally nude, clad in undergarments, or in a state of undress exposing the genitals, pubic area, buttocks or female breast and the circumstances are such that the person would otherwise have a reasonable expectation of privacy.
- (c) The provisions of this section shall not apply to a lawful criminal investigation or a correctional official or local or regional jail official conducting surveillance for security purposes or during an investigation of alleged misconduct involving a person committed to the department of corrections or to a local or regional jail.

(Code 1988, § 1-14; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-130.

Sec. 14-25. Peeping or spying into dwelling or occupied building by electronic device; penalty.

It is unlawful for any person to knowingly and intentionally cause an electronic device to enter the property of another to secretly or furtively peep or spy or attempt to peep or spy into or through a window, door, or other aperture of any building, structure, or other enclosure occupied or intended for occupancy as a dwelling, whether or not such building, structure, or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, or to do the same, without just cause, upon property owned by him and leased or rented to another under circumstances that would violate the occupant's reasonable expectation of privacy. A violation of this section is a Class 1 misdemeanor. The provisions of this section shall not apply to a lawful criminal investigation.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-130.1.

Sec. 14-26. Drinking in public.

- (a) If any person takes a drink of alcoholic beverages or offers a drink thereof to another, whether accepted or not, at or in any public place, he is, upon conviction, 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 any rooms or areas approved by the board of directors of the state alcoholic beverage control

authority in a licensed establishment, provided such establishment or the person who operates the same is licensed to sell alcoholic beverages at retail for on-premises consumption and the alcoholic beverages drunk or offered were purchased therein.

- (c) This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any room or area approved by the board at an event for which a banquet license, mixed beverage special events license, or local special events license has been granted. Nor shall this section prevent, upon authorization of the licensee, any person from drinking his own lawfully acquired alcoholic beverages or offering a drink thereof to another in approved areas and locations at events for which a coliseum or stadium license has been granted.

(Code 1988, § 1-22; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Drinking alcoholic beverages, or offering to another, in public place, penalty, exceptions, Code of Virginia, § 4.1-308.

Sec. 14-27. Indecent exposure.

Every person who intentionally makes 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 procures another to so expose himself, shall be guilty of a Class 1 misdemeanor. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.

(Code 1988, § 1-41; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-387.

Sec. 14-28. Intoxication in public.

Any person who is intoxicated in public, whether such intoxication results from alcohol, narcotic drugs, or other intoxicant or drugs of whatever nature shall be deemed guilty of a Class 4 misdemeanor. If there is located within the area of this town, the county or the City of Harrisonburg 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.

(Code 1988, § 1-42; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Intoxication in public, Code of Virginia, § 18.2-388.

Sec. 14-29. Expectorating in public places.

No person shall spit, expectorate, or deposit any sputum, saliva, mucus, or any form of saliva or sputum upon the floor, stairways, or upon any part of any public building or place where the public assembles, or upon the floor of any part of any public conveyance or upon any sidewalk abutting on any public street, alley, or lane of this town. Any person violating any provision of this section shall be guilty of a Class 4 misdemeanor.

(Code 1988, § 1-43; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-322.

Sec. 14-30. Urination and defecation in public.

- (a) No person shall urinate or defecate in any public building (except in an appropriate toilet facility); or upon any street, sidewalk, alley or other public property; or in any other place where such person is visible to public view.
- (b) Any person violating this section shall be guilty of a Class 4 misdemeanor and shall be punished in accordance with section 1-15.

(Code 1988, § 1-43.1; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

Secs. 14-31—14-50. Reserved.

ARTICLE III. OFFENSES RELATING TO MINORS

DIVISION 1. GENERALLY

Sec. 14-51. Minors in pool rooms and loitering in public places prohibited.

- (a) Any minor who frequents, plays in, or loiters in any public pool room or billiard room, or any proprietor or agent thereof who permits any minor to do the same in any such place within the town, shall be guilty of a Class 3 misdemeanor.
- (b) The frequenting, playing in or loitering in public places of amusement by minors is prohibited. The punishment for violations of this subsection is that prescribed for a Class 3 misdemeanor.

(Code 1988, § 1-6; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Authority to prohibit loitering and to establish curfews for minors, Code of Virginia, § 15.2-926.

Sec. 14-52. Certain sales to minors.

Any person who sells, barter, gives, furnishes, or causes to be sold, bartered, given, or furnished to any minor a dirk, switchblade knife, or bowie knife having good cause to believe him to be a minor shall be guilty of a Class 1 misdemeanor.

(Code 1988, § 1-7(a); Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Sale of certain weapons to minors, Code of Virginia, § 18.2-309.

Secs. 14-53—14-77. Reserved.

DIVISION 2. CURFEW

Sec. 14-78. Established.

- (a) No minor shall be upon the streets or in any other public place in the town between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by a parent or a legal guardian or other person of majority age lawfully in charge of such minor. A violation of this section by a minor shall be disposed of as provided in Code of Virginia, §§ 16.1-278.4 and 16.1-278.5.
- (b) Any parent, guardian, or other person having custody of a minor who allows the minor to violate this section shall also be guilty of a Class 4 misdemeanor.
- (c) Nothing in this section shall be construed to prohibit an unaccompanied minor from attending meetings held in connection with religious exercises, schools, scouting or other similar organizations, nor shall this section be applied if such minor is involved in an emergency, legitimate employment, or an errand for his parents, guardian or other person having custody of him.

(Code 1988, § 1-8; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Authority to establish curfews for minors, Code of Virginia, § 15.2-926.

Secs. 14-79—14-99. Reserved.***ARTICLE IV. OFFENSES RELATING TO PROPERTY*****Sec. 14-100. Petit larceny.**

Any person who commits larceny from the person of another of money or other thing of value of less than \$5.00, or commits simple larceny not from the person of another of goods or chattels of value of less than \$1,000.00 shall be guilty of petit larceny punishable as a Class 1 misdemeanor.

(Code 1988, § 1-12; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-96.

Sec. 14-101. Possessing merchandise without paying for it.

- (a) Any person who, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise:
 - (1) Willfully conceals or takes possession of the goods or other merchandise of any store or mercantile establishment;
 - (2) Alters price tags or markings or other price or marking on such goods or merchandise, or transfers goods from one container to another; or
 - (3) Counsels, assists, aids, or abets another in the performance of any of the above acts when the value of the goods or merchandise involved in the offense is less than \$1,000.00;

shall be guilty of petty larceny punishable as a Class 1 misdemeanor.

- (b) The willful concealment of goods or merchandise of any store or other mercantile establishment while still on the premises thereof shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise.

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- (c) When a person is convicted of an offense of larceny or any offense deemed to be or punished as larceny under any provision of this Code, and it is alleged in the warrant, indictment or information on which he is convicted, and admitted, or found by the jury or judge before whom he is tried, that he has been before convicted in the commonwealth or in another jurisdiction for any offense of larceny or any offense deemed or punishable as larceny, or of any substantially similar offense in any other jurisdiction, regardless of whether the prior convictions were misdemeanors, felonies or a combination thereof, he shall be confined in jail not less than 30 days nor more than 12 months.

(Code 1988, § 1-13; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-103.

Sec. 14-102. Trespassing.

Any person who, without authority, goes upon or remains upon the lands, buildings, or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or the agent of any such person, or other person lawfully in charge thereof, or after having been forbidden to do so by a sign posted by such persons or at the direction of such persons or the agent of any such person 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 lands, structures, premises, or a portion or area thereof, at a place where it or they may be reasonably seen 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, 18.2-152.9 or 19.2-152.10 or ex parte order issued pursuant to Code of Virginia, § 20-103, and after having been served with such an order, shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of Code of Virginia, §§ 18.2-132 through 18.2-136.

(Code 1988, § 1-17; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Trespassing, Code of Virginia, § 18.2-119.

Sec. 14-103. Destroying or damaging property.

- (a) If any person unlawfully destroys, defaces, damages, or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages, or removes without the intent to steal, any monument or memorial for war veterans, not his own, described in Code of Virginia, § 15.2-1812; any monument erected to mark the site of any engagement fought during the Civil War, or any memorial to designate the boundaries of the town, tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 misdemeanor, provided that the court may, in its discretion, dismiss the charge if the locality or organization that owns or is responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.
- (b) If any person who is not the owner of such property intentionally causes such injury, he is guilty of a Class 1 misdemeanor if the value of or damage to the property, memorial, or monument is less than \$1,000.00. The amount of loss caused by the destruction, defacing, damage, or removal of such property, memorial, or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

(Code 1988, § 1-20; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Injuring, etc., any property, monument, etc., Code of Virginia, § 18.2-137.

Sec. 14-104. Damaging public buildings, etc.; penalty.

- (a) Any person who willfully and maliciously breaks any window or door of any courthouse, house of public worship, schoolhouse or town hall, or other public building, damages or defaces any other public building or any statuary in or on any public buildings or public grounds, or destroys any property in any of such buildings shall be guilty of a Class 1 misdemeanor if the damage is less than \$1,000.00.
- (b) Any person who willfully and unlawfully damages or defaces any book, newspaper, magazine, pamphlet, map, picture, manuscript, or other property located in any library, reading room, museum, or other educational institution shall be guilty of a Class 1 misdemeanor if the damage is less than \$1,000.00.

State law reference(s)—Damaging, etc. public buildings, Code of Virginia, § 18.2-138.

Sec. 14-105. Injuries to trees, fences in public squares.

A person shall be guilty of a Class 3 misdemeanor if he:

- (1) Cuts down, pulls up, girdles or otherwise injures or destroys any tree growing in the grounds in any public square or grounds, without the consent of the circuit court of the county or the town; or
- (2) Willfully and maliciously injures the fences or herbage of any such square or grounds.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-139.

Sec. 14-106. Destruction of trees, shrubs, etc.

- (a) It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn, or destroy, in whole or in part, any tree, shrub, vine, plant, flower, or turf found growing or being upon the land of another, or upon any land reserved, set aside, or maintained by the town as a public park or square, or as a refuge or sanctuary for wild animals, birds, or fish without having previously obtained the permission in writing of such other or his agent or the town manager or other delegated official to do so unless the same be done under the personal direction of such owner, his agent, tenant, or lessee, or the town manager or such other delegated official.
- (b) Any person violating this section shall be guilty of a Class 3 misdemeanor, provided that the approval of the owner, his agent, tenant, or lessee, or the town manager or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit.

(Code 1988, § 1-21; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Destruction of trees, etc., Code of Virginia, § 18.2-140.

Sec. 14-107. Abandoned refrigerators and containers.

Any person, firm, or corporation who discards, abandons, leaves or allows to remain in any place any icebox, refrigerator or other container with an airtight interior storage area of more than two cubic feet of clear space, without first removing the doors or hinges from such icebox, refrigerator, container, device or equipment, shall be guilty of a Class 3 misdemeanor. However, this section does not apply to any icebox, refrigerator, container, device or equipment being used for the purpose for which it was originally designed, being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment therein.

(Code 1988, § 1-24; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-319.

Sec. 14-108. Injuring, breaking, defacing, destroying, preventing operation of vehicle, aircraft or boat.

Any person who shall individually or in association with one or more others willfully break, injure, tamper with or remove any part of any vehicle, aircraft, boat or vessel for the purpose of injuring, defacing or destroying said vehicle, aircraft, boat or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat or vessel, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat or vessel, shall be guilty of a Class 1 misdemeanor.

(Code 1988, § 1-46; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-146.

Sec. 14-109. Entering or setting vehicles in motion.

Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, climb into or upon such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, with intent to commit any crime, malicious mischief, or injury thereto, or who, while a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to set into motion such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, with the intent to commit any crime, malicious mischief, or injury thereto, shall be guilty of a Class 1 misdemeanor, except that the foregoing provision shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

(Code 1988, § 1-47; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-147.

Secs. 14-110—14-131. Reserved.

ARTICLE V. OFFENSES RELATING TO FRAUD

Sec. 14-132. Defrauding keepers of motor vehicles, boats or other watercrafts.

Any person who stores a motor vehicle, boat or other watercraft with any person, firm, or corporation engaged in the business of conducting a garage, marina, watercraft dealership or other facility for the storage of motor vehicles, boats or other watercrafts; furnishing of supplies to motor vehicles, boats or other watercrafts; or alteration or repair of motor vehicles, boats or other watercrafts, and obtains storage, supplies, alterations or repairs for such motor vehicle, boat or other watercraft without having an express agreement for credit, or procures storage, supplies, alterations or repairs on account of such motor vehicle, boat or other watercraft so stored, without paying therefor, and with the intent to cheat or defraud the owner or keeper of such garage, marina or boat repair facility; or with such intent obtains credit at such garage, marina or boat repair facility for such storage, supplies, alterations or repairs through misrepresentation or false statement; or with such intent removes or causes to be removed any such motor vehicle, boat or other watercraft from any such garage, marina

or boat repair facility while there is a lien existing thereon for the proper charges due from him for storage, supplies, alterations or repairs shall be guilty of a Class 2 misdemeanor.

(Code 1988, § 1-15; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-189.

Sec. 14-133. Defrauding hotels, motels, campgrounds, or boardinghouses.

- (a) It shall be unlawful for any person, without paying therefor and with the intent to cheat or defraud the owner or keeper to:
 - (1) Put up at a hotel, motel, campground or boardinghouse;
 - (2) Obtain food from a restaurant or other eating house;
 - (3) Gain entrance to an amusement park; or
 - (4) Without having an express agreement for credit, procure food, entertainment or accommodation from any hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park.
- (b) It shall be unlawful for any person, with intent to cheat or defraud the owner or keeper out of the pay therefor, to obtain credit at a hotel, motel, campground, boardinghouse, restaurant or eating house for food, entertainment or accommodation by means of any false show of baggage or effects brought thereto.
- (c) It shall be unlawful for any person, with intent to cheat or defraud, to obtain credit at a hotel, motel, campground, boardinghouse, restaurant, eating house or amusement park for food, entertainment or accommodation through any misrepresentation or false statement.
- (d) It shall be unlawful for any person, with intent to cheat or defraud, to remove or cause to be removed any baggage or effects from a hotel, motel, campground, boardinghouse, restaurant or eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished.
- (e) Any person who violates any provision of this section, if the value of service, credit or benefit procured or obtained is less than \$1,000.00, is guilty of a Class 1 misdemeanor.

(Code 1988, § 1-16; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Defrauding hotel, motel or other inn keepers, Code of Virginia, § 18.2-188.

Secs. 14-134—14-164. Reserved.

ARTICLE VI. OFFENSES RELATING TO HEALTH AND SAFETY

Sec. 14-165. Careless fires.

- (a) Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw, or any other inflammable substance capable of spreading fire, and who intentionally allows the fire to escape to lands not his own, whereby the property of another is damaged or jeopardized, shall be guilty of a Class 1 misdemeanor, and shall be liable for the full amount of all expenses incurred in fighting the fire.
- (b) If any person carelessly, negligently or intentionally set any woods or marshes on fire, or sets fire to any stubble, brush, straw, or any other substance capable of spreading fire on lands, whereby the property of

another is damaged or jeopardized, he shall be guilty of a Class 4 misdemeanor, and shall be liable for the full amount of all expenses incurred in fighting the fire.

(Code 1988, § 1-28; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Regulating or prohibiting making of fires, etc., Code of Virginia, § 15.2-922.1; setting woods, etc., on fire, Code of Virginia, § 18.2-87; careless fires damaging property, Code of Virginia, § 18.2-88.

Sec. 14-166. Interference with water and sewer lines.

- (a) Any person who willfully and maliciously diverts any public wastewater or sewer line or diverts or wastes any public water supply by tampering with any fire hydrant shall be guilty of a Class 2 misdemeanor.
- (b) Any person who willfully and maliciously diverts any public wastewater or sewer line or diverts or wastes any public water supply by tampering with any fire hydrant shall be guilty of a Class 2 misdemeanor.

State law reference(s)—Damaging or diverting water supply or wastewater services, Code of Virginia, § 18.2-162; diverting or wasting public water supply, Code of Virginia, § 18.2-162.1.

Sec. 14-167. Injuring, destroying, removing, or tampering with firefighting equipment; penalty.

Any person who injures, destroys, removes, tampers with, or otherwise interferes with the operation of any equipment or apparatus used for fighting fires or for protecting property or human life by a fire company or fire department, as those terms are defined in Code of Virginia, § 27-6.01, or any emergency medical services vehicle, as defined in Code of Virginia, § 32.1-111.1, intending to temporarily or permanently prevent the useful operation of such equipment or apparatus is guilty of a Class 1 misdemeanor.

(Code 1988, § 1-29; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-151.1.

Sec. 14-168. Interference with public services or utilities.

Any person who shall intentionally destroy or damage any facility which is used to furnish oil, telegraph, telephone, electric, gas, sewer, wastewater or water service to the public, provided that the destruction or damage may be remedied or repaired for less than \$1,000.00, such act shall constitute a Class 3 misdemeanor. On electric generating property marked with no trespassing signs, the security personnel of a utility may detain a trespasser for a period not to exceed one hour pending arrival of a law enforcement officer.

(Code 1988, § 1-30; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-162.

Sec. 14-169. Tampering with metering device; diverting service; civil liability.

- (a) Any person who tampers with any metering device incident to the facilities set forth in section 14-168, or otherwise intentionally prevents such a metering device from properly registering the degree, amount or quantity of service supplied, or diverts such service, except telephonic or electronic extension service not owned or controlled by any such company without authorization from the owner of the facility furnishing the service to the public, shall be guilty of a Class 1 misdemeanor.

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- (b) The presence of any metering device found to have been altered, tampered with, or bypassed in a manner that would cause the metering device to inaccurately measure and register the degree, amount or quantity of service supplied or which would cause the service to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this section by the person to whose benefit it is that such service be unmetered, unregistered or diverted.
 - (c) The court may order restitution for the value of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including the base wages of employees acting as witnesses for the commonwealth, and suit costs. However, the total amount of allowable costs granted hereunder shall not exceed \$250.00, excluding the value of the service.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-163.

Sec. 14-170. Unlawful use of, or injury to, telephone and telegraph lines; copying or obstructing messages; penalty.

- (a) If any person commits any of the following acts, he is guilty of a Class 2 misdemeanor:
 - (1) Maliciously injure, molest, cut down, or destroy any telephone or telegraph line, wire, cable, pole, tower, or the material or property belonging thereto;
 - (2) Maliciously cut, break, tap, or make any connection with any telephone or telegraph line, wire, cable, or instrument of any telegraph or telephone company which has legally acquired the right-of-way by purchase, condemnation, or otherwise;
 - (3) Maliciously copy in any unauthorized manner any message, either social, business, or otherwise, passing over any telephone or telegraph line, wire, cable, or wireless telephone transmission in the commonwealth;
 - (4) Willfully or maliciously prevent, obstruct, or delay by any means or contrivance whatsoever the sending, conveyance, or delivery in the commonwealth of any authorized communication by or through any telephone or telegraph line, wire, cable, or wireless transmission device under the control of any telephone or telegraph company doing business in the commonwealth;
 - (5) Maliciously aid, agree with, employ, or conspire with any unauthorized person unlawfully to do or cause to be done any of the acts hereinbefore mentioned.
- (b) If any person, with the intent to prevent another person from summoning law enforcement, fire, or rescue services:
 - (1) Commits any act set forth in subsection (a) of this section; or
 - (2) Maliciously prevents or interferes with telephone or telegraph communication by disabling or destroying any device that enables such communication, whether wired or wireless;

he is guilty of a Class 1 misdemeanor.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-164.

Sec. 14-171. Pulling down fences or leaving gates open.

Any person who, without permission of the owner, pulls down the fence of another and leaves the same down, or, without permission, opens and leaves open the gate of another, or any gate across a public road established by order of court or if any person other than the owner of the lands through which a line of railroad runs, who opens and leaves open a gate at a public or private crossing of the railroad right-of-way, shall be guilty of a Class 4 misdemeanor.

(Code 1988, § 1-31; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-143.

Sec. 14-172. Handbills.

- (a) A person shall be guilty of a Class 4 misdemeanor if he:
- (1) Distributes or causes to be distributed any handbills in such a manner so as to interfere with the safe and orderly flow of traffic on any sidewalk or street;
 - (2) Places or causes to be placed any handbill in or upon any automobile or other vehicle unless the owner thereof demonstrates his willingness to accept it;
 - (3) Distributes or causes to be distributed any handbill in or upon any private premises which are then uninhabited and vacant;
 - (4) Distributes or causes to be distributed any handbill, in or upon private premises which are inhabited, in a manner other than by handing it directly to the owner, occupant, or other person then present in or upon such private premises, provided handbills may be placed securely thereon so as to prevent being blown about such inhabited premises or elsewhere unless requested by anyone upon such premises not to do so or unless a sign is posted conspicuously upon such premises in any manner indicating the occupants do not desire to have hand bills left upon such premises;
 - (5) Affixes in any way a handbill, poster, or advertisement to any public property, real or personal, including telegraph, telephone, electric transmissions poles and trees, except as may be authorized by law; or
 - (6) Throws, places, or distributes or causes to be thrown, placed, or distributed any commercial handbill in or upon any place within the town.
- (b) Handbills may be distributed in any public place to those persons willing to accept them.

(Code 1988, § 1-36; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

Secs. 14-173—14-197. Reserved.

ARTICLE VII. OFFENSES RELATING TO PEACE AND ORDER

Sec. 14-198. Disorderly conduct in public places.

- (a) A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, or alarm or recklessly creating a risk thereof, he:
- (1) In any streets, highways, public buildings, or while in or on a public conveyance, or public place engages in conduct having a direct tendency to cause acts of violence by the person at whom, individually, such conduct is directed;
 - (2) Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drugs of whatever nature, disrupts any meeting of the governing body of any political subdivision of the commonwealth, or a division or agency thereof, or any school, literary society or place of worship, if the disruption prevents or interferes with the orderly conduct of such

meeting or has a direct tendency to cause acts of violence by the person at whom, individually, the disruption is directed; or

- (3) Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drugs of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption prevents or interferes with the orderly conduct of the operation or activity or has a direct tendency to cause acts of violence by the person at whom, individually, the disruption is directed.
- (b) However, the conduct prohibited under this section shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this article.
- (c) The person in charge of such building, place, conveyance, operation, activity or meeting may eject therefrom any person who violates any provisions of the section with the aid, if necessary, of any persons called upon for such purpose.
- (d) The provisions of this section shall not apply to any elementary or secondary school student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus as defined in Code of Virginia, § 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school.
- (e) Such violators shall be guilty of a Class 1 misdemeanor.

(Code 1988, § 1-33; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, §§ 15.2-925, 18.2-415.

Sec. 14-199. Loitering or loafing.

Any person loitering or standing on any street, sidewalk, curb or upon or around any public place, whether on public or private property, who fails to move on after being requested to do so by a police officer shall be guilty of a Class 4 misdemeanor and shall cease to occupy such position on the street, sidewalk, or curb.

(Code 1988, § 1-34)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-926.

Secs. 14-200—14-221. Reserved.

ARTICLE VIII. OFFENSES RELATING TO ADMINISTRATION OF JUSTICE

Sec. 14-222. Obstruction of justice, resisting arrest.

- (a) If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the commonwealth, witness, any law enforcement officer, or animal control officer employed pursuant to Code of Virginia, § 3.2-6555, in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the commonwealth, witness, law enforcement officer, or animal control officer employed pursuant to Code of Virginia, § 3.2-6555, he is guilty of a Class 1 misdemeanor.
- (b) Any person who, by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the commonwealth, witness, any law enforcement officer, or an animal control officer employed pursuant to Code of Virginia, § 3.2-6555, lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1 misdemeanor.

(Code 1988, § 1-10; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-460.

Sec. 14-223. Prisoner fleeing custody of officer.

Any person lawfully confined in jail or lawfully in the custody of any court or officer of the court or of any law enforcement officer for violation of his probation or parole or on a charge or conviction of a misdemeanor, who escapes therefrom, shall be guilty of a Class 1 misdemeanor.

(Code 1988, § 1-11; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-479(A).

Sec. 14-224. False reports to police officers.

It shall be unlawful for any person to knowingly give a false report as to the commission of any crime to any law enforcement official with intent to mislead; to knowingly, with the intent to mislead a law enforcement agency, cause another to give a false report to any law enforcement official by publicly simulating a violation of Code of Virginia, § 18.2-30 et seq., or 18.2-77 et seq.; or without just cause and with intent to interfere with the operations of any law enforcement official, to call or summon any law enforcement official by telephone or other means, including engagement or activation of an automatic emergency alarm. Violation of the provisions of this section shall be punishable as a Class 1 misdemeanor.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-461.

Sec. 14-225. False fire alarms.

Any person who, without just cause therefor, calls or summons, by telephone or otherwise, any emergency medical services vehicle or firefighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building, regardless of whether an emergency medical service vehicle or fire apparatus responds or not, shall be guilty of a Class 1 misdemeanor.

(Code 1988, § 1-27; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-212.

Secs. 14-226—14-243. Reserved.

ARTICLE IX. OFFENSES RELATING TO GAMBLING

Sec. 14-244. Illegal gambling.

Except as otherwise provided in Code of Virginia, title 18.2, chapter 8, article 1 (Code of Virginia, § 18.2-325 et seq.), any person who illegally gambles or engages in interstate gambling 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.

(Code 1988, § 1-44; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Gambling, Code of Virginia, §§ 18.2-326, 18.2-333, 18.2-334.

Sec. 14-245. Illegal gambling devices.

Any person maintaining or permitting the use of a gambling device, as defined by Code of Virginia, § 18.2-325(3), shall be guilty of a Class 3 misdemeanor.

(Code 1988, § 1-45; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Illegal gambling, Code of Virginia, §§ 18.2-325, 18.2-326.

Secs. 14-246—14-268. Reserved.***ARTICLE X. OFFENSES RELATING TO WEAPONS AND EXPLOSIVES*****Sec. 14-269. Discharging firearms.**

If any person willfully discharges or causes to be discharged any firearm in any street, or in any place of public business or place of public gathering, and such conduct does not result in bodily injury to another person, such person shall be guilty of a Class 1 misdemeanor. 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 law. This section shall not apply to the discharge of firearms for the killing of deer on land of at least five acres that is zoned for agricultural use.

(Code 1988, § 1-55; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Authority to prohibit the discharge of firearms, Code of Virginia, § 15.2-1113; discharge of firearms, Code of Virginia, § 18.2-280.

Sec. 14-270. Airguns, slingshots and other instruments for projecting missiles.

Any person using, within the town, any instrument for projecting missiles, including, but not limited to, airguns, BB guns, slingshots, grit shooters, and bows and arrows, shall be guilty of a Class 4 misdemeanor, provided this section shall not apply to archery ranges of colleges or schools.

(Code 1988, § 1-56; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-916.

Sec. 14-271. Fireworks.

- (a) Any person who transports, manufactures, sells, or offers for sale a firecracker, torpedo, skyrocket, or other substance or thing of whatever form or construction commonly known as fireworks, without a permit, shall be guilty of a Class 1 misdemeanor, except that any person who purchases, stores, transports, ignites, or explodes such items as a part of a personal or family celebration shall be guilty of a Class 3 misdemeanor.
- (b) This section shall not apply to members of the armed forces acting within the scope of their duties, to persons using such materials for emergency signaling, or to persons involved in the operation of a railroad. This section shall not apply to the use or sale of sparklers, fountains, pharaoh's serpents, caps for pistols, or to pinwheels or whirligigs so long as such fireworks are ignited or exploded on private property with consent of the owner thereof. The town manager or other delegated officer shall have authority to issue permits for

lawful fireworks exhibitions to be held by benevolent or fraternal groups, clubs, associations or organizations.

(Code 1988, § 1-57; Ord. of 9-10-1990; Ord. of 4-5-1999; Ord. of 10-4-1999)

State law reference(s)—Authority to prohibit the discharge of fireworks, Code of Virginia, § 15.2-1113; regulation of transportation of certain articles through the town, Code of Virginia, § 15.2-2029; fireworks, Code of Virginia, § 27-97.