

## **CHAPTER 8**

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Replacement Page. (Sec. 8-43 amended 11/7/17).

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## **ARTICLE I - IN GENERAL**

### **Sec. 8-1. Punishment for conviction of misdemeanor.<sup>1</sup>**

The authorized punishments for conviction of a misdemeanor are:

- A. For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$2,500.00, either or both.
- B. For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000.00, either or both.
- C. For Class 3 misdemeanors, a fine of not more than \$500.00.
- D. For Class 4 misdemeanors, a fine of not more than \$250.00.

### **Sec. 8-2. Same; Where no punishment or maximum punishment prescribed.<sup>2</sup>**

A misdemeanor for which no punishment or no maximum punishment is prescribed by ordinance shall be punishable as a Class 1 misdemeanor.

### **Sec. 8-3. Same; By reference.<sup>3</sup>**

Where a provision in this chapter prescribes punishment by stating that the offense is a misdemeanor, or that it is punishable as provided for in Section 18.1-9, Code of Virginia, the offense shall be deemed to be a Class 1 misdemeanor.

- 1. Va. Code Ref. Sec. 18.2-11
- 2. Va. Code Ref. Sec. 18.2-12
- 3. Va. Code Ref. Sec. 18.2-13

**Replacement Page.** (Sec. 8-80 and Sec. 8-81 amended 8/6/96).

**Sec. 8-4. How unclassified offenses punished.<sup>1</sup>**

Offenses defined in this chapter and in other titles in the Code, for which punishment is prescribed without specification as to the class of the offense, shall be punished according to the punishment prescribed in the section or sections thus defining the offense.

**Sec. 8-5. Place of punishment.<sup>2</sup>**

Imprisonment for conviction of a misdemeanor shall be by confinement in jail.

**Sec. 8-6. How common-law offenses punished.<sup>3</sup>**

A common-law offense, for which punishment is prescribed by ordinance shall be punished only in the mode so prescribed.

**ARTICLE II - INCHOATE OFFENSES**

**Sec. 8-7. Conspiring to trespass after having been forbidden to do so.<sup>4</sup>**

If any person shall conspire, confederate or combine with another or others in this Town to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, having knowledge that any of them have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or having knowledge that any of them have been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may reasonably be seen, he shall be deemed guilty of a Class 3 misdemeanor.

Jurisdiction for the trial of any such person shall be in the county or town wherein any part of such conspiracy is planned, or in the county or town wherein any act is done toward the consummation of such plan or conspiracy.

**Sec. 8-8. Attempts to commit misdemeanors; how punished.<sup>5</sup>**

Every person who attempts to commit an offense which is a misdemeanor shall be punishable by the same punishment prescribed for the offense the commission of which was the object of the attempt.

1. Va. Code Ref. Sec. 18.2-14
2. Va. Code Ref. Sec. 18.2-15
3. Va. code Ref. Sec. 18.2-16
4. Va. Code Ref. Sec. 18.2-23
5. Va. Code Ref. Sec. 18.2-27

**Sec. 8-9. Maximum punishment for attempts.<sup>1</sup>**

Any provision in this article notwithstanding, in no event shall the punishment for an attempt to commit an offense exceed the maximum punishment had the offense been committed.

**ARTICLE III - CRIMES INVOLVING MINORS**

**Sec. 8-10. Trick or treat unlawful.**

It shall be unlawful for any person under twelve years of age or for any parent, guardian or other adult person having the care, custody or control of any person under twelve years of age to permit such person to go upon the property of another without prior invitation for the purpose of obtaining chewing gum, candies, fruits or like articles on Halloween day except between the hours of 6:00 P.M. and 9:00 P.M. for the purpose of engaging in the practice commonly called "trick or treat". It shall be unlawful for any person twelve years of age or older or for the parent, guardian or other adult person having the care, custody or control of any person twelve years of age or older to permit such person to go upon the property of another without prior permission for the purpose of obtaining chewing gum, candies, fruits or like articles on Halloween Day for the purpose of engaging in the practice commonly called "trick or treat". Any violation of this Section shall constitute a misdemeanor and upon conviction the offender shall be punished by a fine of not more than twenty five dollars for the first offense and not more than fifty dollars for succeeding convictions.

For purposes of interpretation of this ordinance the following terms shall have the following meanings:

- A. *Halloween* shall mean the day of October 31 of each calendar year.
- B. *Trick or Treat* shall mean the attempt to obtain chewing gum, candies, fruits or like articles under the threat to deceive by mar, deface, scratch or demolish property.

**Sec. 8-11. Curfew for minors under 18 years of age; Penalty for minor and parent, guardian or other adult person, having the care, custody and control of any minor child under the age of eighteen years for violation and penalty for any adult person to encourage minor child under 18 years of age to violate same.**

It shall be unlawful for any parent, guardian or other adult person having the care, custody and control of any minor child under the age of eighteen years, to permit

1. Va. Code Ref. Sec. 18.2-28

or allow such minor child to be present in or upon any street, alley, park or other public place within the Town of Hurt, between the hours of 12 Midnight and 5:00 A.M. immediately following, unless such minor child shall be accompanied by said parent, guardian or other adult person having the care, custody and control of such child, or unless such child shall be accompanied by any other adult person with the permission of such parent, guardian or other adult person having such care, custody and control of such child.

It shall be unlawful for any adult person to encourage any minor child under the age of eighteen years to be present upon any street, alley, park or other public place within the Town of Hurt, between the hours of 12 Midnight and 5:00 A.M. immediately following, unless such minor child shall be accompanied by a parent, guardian or other adult person in the manner hereinbefore described.

It shall be unlawful for any minor child under the age of eighteen years, to be present in or upon any street, alley, park or other public place within the Town of Hurt, between the hours of 12 Midnight and 5:00 A.M. immediately following, unless such minor child shall be accompanied by his or her parent, guardian or other adult person having the care, custody and control of such child, or unless such child shall be accompanied by any other adult person with the permission of such parent, guardian or other adult person having such care, custody and control of such child.

Any person convicted of violating this ordinance shall be fined not more than twenty-five dollars (\$25.00) for the first offense and not more than one hundred dollars (\$100.00) for succeeding convictions.

#### **Sec. 8-12. Minors in public poolrooms or billiard rooms.**

No minor shall frequent, play in or loiter in any public poolroom or billiard room operated in conjunction with any establishment licensed under the Alcoholic Beverage Control Act; nor shall any minor under eighteen years of age frequent, play in or loiter in any other public poolroom or billiard room; nor shall the proprietor of any public poolroom or billiard room or his agent permit any minor to frequent, play in or loiter in any such place in violation of the foregoing provisions of this section.

Any such minor or any proprietor or agent violating the provisions of this section shall be guilty of a misdemeanor and punished by a fine of not less than five dollars or by imprisonment in jail not more than six months or by both such fine and imprisonment.

But nothing in this section shall apply to any poolroom or billiard room located at a health resort with a natural mineral spring, nor to military or naval personnel in uniform in any poolroom or billiard room, or within any county, city or town which has adopted an ordinance regulating the frequenting, playing in or loitering in public poolrooms or billiard rooms by minors.



The term "public poolrooms" as used herein shall not be construed to include an establishment in which not more than three miniature pool tables that operate on the coin-in-the-slot principle are exclusively kept or played.

**Sec. 8-13. Prohibiting purchase or possession of tobacco products by minors or sale of tobacco products to such minors<sup>1</sup>**

A. No person shall sell to, distribute to, purchase for or knowingly permit the purchase by any person less than eighteen years of age, knowing or having reason to believe that such person is less than eighteen years of age, any tobacco product, including but not limited to cigarettes, cigars and bidis. Tobacco products may be sold from a vending machine only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of tobacco products by minors is unlawful and (ii) located in a place which is not open to the general public and is not generally accessible to minors. An establishment which prohibits the presence of minors unless accompanied by an adult is not open to the general public.

B. No person less than eighteen years of age shall purchase or possess any tobacco product including but not limited to cigarettes, cigars and bidis. The provisions of this subsection shall not be applicable to the possession of tobacco products by a person less than eighteen years of age making a delivery of tobacco products in pursuance of his employment.

C. No person shall sell a tobacco product, including but not limited to cigarettes, cigars, and bidis, to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least eighteen years of age. Such identification is not required from an individual whom the person has reason to believe is at least eighteen years of age or whom the person knows is at least eighteen years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least eighteen years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least eighteen years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior and manner of the individual.

This subsection shall not apply to mail order sales.

1. Va. Code Ref. Sec. 18.2-371.2

D. A violation of subsection A or C by an individual or by a separate retail establishment that involves a tobacco product other than a bidi shall be punishable by a civil penalty not to exceed \$100 for a first violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third or subsequent violation. A violation of subsection A or C by an individual or by a separate retail establishment that involves the sale, distribution or purchase of a bidi shall be punishable by a civil penalty in the amount of \$500 for a first violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a tobacco product other than a bidi.

A violation of subsection B shall be punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision 9 of § 16.1-278.8 of the Code of Virginia.

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A, B, or C.

E. 1. Cigarettes shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment which offers for sale any tobacco product, including but not limited to cigarettes, cigars, and bidis, shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products to any person under eighteen years

of age is prohibited by law. Any attorney for the county, city or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed fifty dollars. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$100. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city or town which instituted the action.

F. Nothing in this section shall be construed to create a private cause of action.

G. Agents of the Virginia Alcoholic Beverage Control Board designated pursuant to § 4.1-105 of the Code of Virginia may issue a summons for any violation of this section.

H. As used in this section, "bidi" means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.

#### **ARTICLE IV - CRIMES AGAINST PROPERTY**

##### **Sec. 8-14. Burning or destroying any other building or structure.<sup>1</sup>**

If any person maliciously, or with intent to defraud an insurance company or other person, burn, or by the use of any explosive device or substance, maliciously

1. Va. Code Ref. Sec. 18.2-80

destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel or procure the burning or destruction of any building, bridge, lock, dam or other structure, whether the property of himself or of another, at a time when no person is therein or thereon, the burning or destruction whereof is not punishable under any other section of this Chapter, and that such property be of the value of less than two hundred dollars, that person shall be guilty of a Class 1 misdemeanor.

**Sec. 8-15. Willful and malicious damage or defacement of public or private facilities; penalty.<sup>1</sup>**

A. It shall be unlawful for any person to willfully and maliciously damage or deface any public building, facility and personal property or any private buildings, facilities and personal property if the damage to the private property is less than \$1,000 within the Town. Violation of this section shall be a Class 1 misdemeanor.

B. Upon a finding of guilt under this ordinance in the event the violation constitutes a first offense which results in property damage or loss, the court, without entering a judgment of guilt, upon motion of the defendant, may defer further proceedings and place the defendant on probation pending completion of a plan of community service work. If the defendant fails or refuses to complete the community service as ordered by the court, the court may make final disposition of the case and proceed as otherwise provided. If the community service work is completed as the court prescribes, the court may discharge the defendant and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this ordinance in subsequent proceedings.

1. Va. Code Ref. Sec. 18.2-138.1

**Supplement Page.** (Sec. 8-15 amended 7/8/97).

C. The community service, to the extent feasible, shall include the repair, restoration or replacement of any damage or defacement to property within the Town, and may include clean-up, beautification, landscaping or other appropriate community service within the Town. The Chief of Police shall supervise the performance of any community service work required and report thereon to the court imposing such requirement. At or before the time of sentencing under this ordinance, the court shall receive and consider any plan for making restitution or performing community service submitted by the defendant.

D. Notwithstanding any other provision of law, no person convicted of a violation of this ordinance shall be placed on probation or have his sentence suspended unless such person shall make at least partial restitution for such property damage or is compelled to perform community services, or both, as is more particularly set forth in Sec. 19.2-305.1 of the Code of Virginia.

**Sec. 8-16. Burning or destroying personal property, standing grain, etc.<sup>1</sup>**

If any person maliciously, or with intent to defraud an insurance company or other person, set fire to or burn or destroy by any explosive device or substance, or cause to be burned, or destroyed by any explosive device or substance, or aid, counsel, or procure the burning or destroying by any explosive device or substance, of any personal property, standing grain or other crop, he shall, if the thing burnt or destroyed be of less value than \$200.00, be guilty of a Class 1 misdemeanor.

**Sec. 8-17. Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized.<sup>2</sup>**

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.

**Sec. 8-18. Carelessly damaging property by fire.<sup>3</sup>**

If any person carelessly, negligently or intentionally set any woods or marshes on fire, or set 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.

1. Va. Code Ref. Sec. 18.2-81
2. Va. Code Ref. Sec. 18.2-87
3. Va. Code Ref. Sec. 18.2-88

Replacement Page. (Sec. 8-15 amended 7/8/97)

## **ARTICLE V - LARCENY AND RECEIVING STOLEN GOODS**

### **Sec. 8-19. Petit larceny defined; How punished.<sup>1</sup>**

Any person who:

- A. Commits larceny from the person of another of money or other thing of value of less than five dollars, or
- B. Commits simple larceny not from the person of another of goods and chattels of the value of less than two hundred dollars, except as provided in subdivision (iii) of Sec. 18.2-95 of the Code of Virginia, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

### **Sec. 8-20. Removal of shopping cart from store premises.<sup>2</sup>**

A. The term "shopping cart" when used in this section means those push carts of the type or types which are commonly provided by grocery stores, drugstores, or other merchant stores or markets for the use of the public in transporting commodities in stores and markets from the store to a place outside the store.

B. It shall be unlawful for any person to remove a shopping cart from the premises, of the owner of such shopping cart without the consent, of the owner or of his agent, servant, or employee given at the time of such removal. For the purpose of this section, the premises shall include all the parking area set aside by the owner, or on behalf of the owner, for the parking of cars for the convenience of the patrons of the owner.

C. Any person convicted of a violation under subsection (2) shall be guilty of a Class 3 misdemeanor.

### **Sec. 8-21. Shoplifting or concealing or taking possession of merchandise; altering price tags; transferring goods from one container to another; counseling another in performance of such acts.<sup>3</sup>**

Whoever, without authority with the intention of converting goods or merchandise to said person's own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of goods or merchandise, (i) wilfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to

- 1. Va. Code Ref. Sec. 18.2-96
- 2. Va. Code Ref. Sec. 18.2-102.1
- 3. Va. Code Ref. Sec. 18.2-103

another, or (iii) counsels, assists, aids or abets another in performance of any of the above acts, when the value of the goods or merchandise involved in the offense is less than \$200, shall be guilty of petit larceny and, when the value of the goods or merchandise involved in the offense is \$200 or more, shall be guilty of grand larceny and upon conviction thereof shall be punished as provided in § 8-22. The wilful 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.

**Sec. 8-22. Punishment for conviction under § 8-21.<sup>1</sup>**

When a person is convicted of an offense of larceny or any offense deemed to be or punished as larceny under any provision of the 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 of Virginia 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 thirty days nor more than twelve months.

**Sec. 8-23. Liability upon conviction under § 8-21.<sup>2</sup>**

Any person who has been convicted of violating the provisions of § 8-21 or § 18.2-103 of the Code of Virginia (1950), as amended, shall be civilly liable to the owner for the retail value of any goods and merchandise illegally converted and not recovered by the owner, and for all costs incurred in prosecuting such person under the provisions of § 8-21 or § 18.2-103 of the Code of Virginia (1950), as amended. Such costs shall be limited to actual expenses, including the base wage of one employee acting as a witness for the Town and suit costs. Provided, however, the total amount of allowable costs granted hereunder shall not exceed two hundred fifty dollars, excluding the retail value of the goods and merchandise.

**Sec. 8-24. Exemption from civil liability in connection with arrest of suspected person.<sup>3</sup>**

A merchant, agent or employee of the merchant, who causes the arrest or detention of any person pursuant to the provisions of § 18.2-96 or 18.2-103 of the Code of Virginia (1950), as amended or § 8-19 or § 8-21 of the Code of the Town of

1. Va. Code Ref. Sec. 18.2-104
2. Va. Code Ref. Sec. 18.2-104.1
3. Va. Code Ref. Sec. 18.2-105

Hurt, 1967, as amended, shall not be held civilly liable for unlawful detention, if such detention does not exceed one hour, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested or detained whether such arrest or detention takes place on the premises of the merchant, or after close pursuit from such premises by such merchant, his agent or employee, provided that in causing the arrest or detention of such person, the merchant, agent or employee of the merchant, had at the time of such arrest or detention probable cause to believe that the person had shoplifted or committed willful concealment of goods or merchandise. The activation of an electronic article surveillance device as a result of a person exiting the premises or an area within the premises of a merchant where an electronic article surveillance device is located shall constitute probable cause for the detention of such person by such merchants, his agent or employee, provided such person is detained only in a reasonable manner and only for such time as is necessary for an inquiry into the circumstances surrounding the activation of the device, and provided that clear and visible notice is posted at each exit and location within the premises where such a device is located indicating the presence of an antishoplifting or inventory control device. For purposes of this section, "electronic article surveillance device" means an electronic device designed and operated for the purpose of detecting the removal from the premises, or a protected area within such premises, of specially marked or tagged merchandise.

**Sec. 8-25. Detention of suspected shoplifter.<sup>1</sup>**

A merchant, agent or employee of the merchant, who has probable cause to believe that a person has shoplifted in violation of § 18.2-96 or § 18.2-103 of the Code of Virginia (1950), as amended, or § 8-19 or § 8-21 of the Code of the Town of Hurt, 1967, as amended, on the premises of the merchant, may detain such person for a period not to exceed one hour pending arrival of a law-enforcement officer.

**Sec. 8-26. Manufacture, sale, etc., of devices to shield against electronic detection of shoplifting prohibited; penalty.<sup>2</sup>**

It shall be unlawful to manufacture, sell, offer for sale, distribute or possess any specially coated or laminated bag or other device primarily designed and intended to shield shoplifted merchandise from detection by an anti-theft electronic alarm sensor, with the intention that the same be used to aid in the shoplifting of merchandise. A violation of this section shall be punishable as a Class 3 misdemeanor.

1. Va. Code Ref. Sec. 18.2-105.1

2. Va. Code Ref. Sec. 18.2-105.2



**Sec. 8-27. "Agents of the merchant" defined.<sup>1</sup>**

As used in this article "agents of the merchant" shall include attendants at any parking lot owned or leased by the merchant, or generally used by customers of the merchant through any contract or agreement between the owner of the parking lot and the merchant.

**Sec. 8-28. Receiving, etc., stolen goods.<sup>2</sup>**

If any person buy or receive from another person, or aid in concealing, any stolen goods or other thing, knowing the same to have been stolen, he shall be deemed guilty of larceny thereof, and may be proceeded against, although the principal offender be not convicted.

**ARTICLE VI - TRESPASS TO REALTY**

**Sec. 8-29. Trespass after having been forbidden to do so.<sup>3</sup>**

If any person without authority of law 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 other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion of area thereof at a place or places 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 §§ 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, Sec. 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 of the Code of Virginia, 1950, as amended, or an ex parte order issued pursuant to § 20-103 of the Code of Virginia, 1950, as amended, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136 of the Code of Virginia.

1. Va. Code Ref. Sec. 18.2-106
2. Va. Code Ref. Sec. 18.2-108
3. Va. Code Ref. Sec. 18.2-119

Replacement Page. (Sec. 8-29 amended 7/7/98).

**Sec. 8-30. Entering property of another for purpose of damaging it, etc.<sup>1</sup>**

It shall be unlawful for any person to enter the land, dwelling, outhouse or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user or the occupant thereof to use such property free from interference.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

**Sec. 8-31. Trespass at night upon any cemetery.<sup>2</sup>**

If any person, without the consent of the owner, proprietor or custodian, go or enter in the nighttime, upon the premises, property, driveways or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of his family, he shall be guilty of a Class 4 misdemeanor.

**Sec. 8-32. Injuries to churches, church property, cemeteries, burial grounds, etc.; penalty.<sup>3</sup>**

Any person who willfully or maliciously commits any of the following acts is guilty of a Class 1 misdemeanor.

A. Destroys, mutilates, defaces, injures, or removes any object or structure placed within any church or on church property, any tomb, monument, gravestone, or other structure placed with any cemetery, graveyard, or place of burial, 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 structure aforesaid, or of any cemetery lot within any cemetery;

B. 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;

C. 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; or

D. Obstructs proper ingress to and egress from any church or any cemetery or lot belonging to any memorial or monumental association.

1. Va. Code Ref. Sec. 18.2-121
2. Va. Code Ref. Sec. 18.2-125
3. Va. Code Ref. Sec. 18.2-127

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 purposes of this section, "church" shall mean any place of worship, and "church property" shall mean any educational building or community center owned or rented by a church.

**Sec. 8-33. Trespass at night upon church or school property.<sup>1</sup>**

A. Any person who, without the consent of some person authorized to give such consent, goes or enters upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property, shall be guilty of a Class 3 misdemeanor.

B. It shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of (i) any direction to vacate the property by a person authorized to give such direction or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen. Each time such person enters upon or remains on the premises or after such direction that person refuses to vacate school property, it shall constitute a separate offense.

A violation of this subsection shall be punishable as a Class 1 misdemeanor.

C. For purposes of this section: (i) "school property" includes a school bus as defined in Sec. 46.2-100 of the Code of Virginia and (ii) "church" means any place of worship and includes any educational building or community center owned or leased by a church.

**Sec. 8-34. Failure to leave premises of school or institution of higher learning when directed to do so.<sup>2</sup>**

Any person, whether or not a student, directed to leave the premises of a school or any institution of higher learning by a person duly authorized to give such direction and who fails to do so shall be guilty of a Class 3 misdemeanor. Each day such person remains on the premises after such direction shall constitute a separate offense.

1. Va. Code Ref. Sec. 18.2-128

2. Va. Code Ref. Sec. 18.2-129

**Sec. 8-35. Peeping or spying into structure occupied as dwelling.<sup>1</sup>**

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.

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.

D. As used in this section, "peephole" means any hole, crack or other similar opening through which a person can see.

E. A violation of this section is a Class 1 misdemeanor.

1. Va. Code Ref. Sec. 18.2-130

**Sec. 8-36. Trespass on posted property.<sup>1</sup>**

Any person who goes on the lands, waters, ponds, boats or blinds of another, which have been posted in accordance with the provisions of § 18.2-134.1 of the Code of Virginia, 1950, as amended, or of Section 8-37 of this Code, to hunt, fish or trap except with the written consent of or in the presence of the owner or his agent shall be guilty of a Class 1 misdemeanor.

**Sec. 8-37. Method of posting lands.<sup>2</sup>**

A. The owner or lessee of property described in § 18.2-134 of the Code of Virginia, 1950, as amended, or § 8-36 of this Code, may post property by (i) placing signs prohibiting hunting, fishing or trapping where they may reasonably be seen; or (ii) placing identifying paint marks on trees or posts at each road entrance and adjacent to public roadways and public waterways adjoining the property. Each paint mark shall be a vertical line of at least two inches in width and at least eight inches in length and the center of the mark shall be no less than three feet nor more than six feet from the ground or normal water surface. Such paint marks shall be readily visible to any person approaching the property.

B. The type and color of the paint to be used for posting shall be prescribed by the Department of Game and Inland Fisheries.

**Sec. 8-38. Destruction of posted signs; posting land of another.<sup>3</sup>**

Any person who shall mutilate, destroy or take down any "posted", "no hunting" or similar sign or poster on the lands or waters of another, or who shall post such sign or poster on the lands or waters of another, without the consent of the landowner or his agent, shall be deemed guilty of a Class 3 misdemeanor and his hunting license shall be revoked for a period not exceeding the expiration date of such license.

**Sec. 8-39. Enforcement of Sections 8-36 through 8-38.<sup>4</sup>**

Game wardens, sheriffs and all other law-enforcement officers shall enforce the provisions of Sections 8-36, 8-37, and 8-38.

1. Va. Code Ref. Sec. 18.2-134
2. Va. Code Ref. Sec. 18.2-134.1
3. Va. Code Ref. Sec. 18.2-135
4. Va. Code Ref. Sec. 18.2-136.1

## ARTICLE VII - DAMAGE TO REALTY AND PERSONALTY THEREON

**Sec. 8-40. Reserved.**

**Sec. 8-41. Injuries to public buildings, etc.<sup>1</sup>**

If any person wilfully and maliciously break any window or door of the Capitol, or any courthouse, house of public worship, college, school house, city or town hall, or other public building or library, or wilfully and maliciously injure or deface the Capitol, or any statuary in the Capitol, or on the Capitol Square, or in any other public buildings or on any public grounds; or wilfully and maliciously injure or deface any courthouse, house of public worship, or city or town hall, or any other public building; or wilfully and maliciously destroy or carry away any furniture belonging to, or in any of such buildings; or wilfully and unlawfully injure or deface any book, newspaper, magazine, pamphlet, map, picture, manuscript or other property belonging to any library, reading room, museum or other educational institution, or unlawfully remove the same therefrom, he shall be guilty of a Class 1 misdemeanor.

**Sec. 8-42. Destruction of trees, shrubs, etc.<sup>2</sup>**

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 State as a public park, or as a refuge or sanctuary for wild animals, birds or fish, without having previously obtained the permission in writing of such owner or his agent or of the superintendent or custodian of such park, refuge or sanctuary, so to do, unless the same be done under the personal direction of such owner, his agent, tenant or lessee or superintendent or custodian of such park, refuge or sanctuary.

1. Va. Code Ref. Sec. 18.2-138
2. Va. Code Ref. Sec. 18.2-140

**Replacement Page. (Sec. 8-40 repealed and reserved 7/13/99)**

Any person violating this Section shall be guilty of a Class 3 misdemeanor; provided, however, that the approval of the owner, his agent, tenant or lessee, or the superintendent or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit.

**Sec. 8-43. Inoperable vehicles.<sup>1</sup>**

A. It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure, or otherwise shielded or screened from public view on any property zoned for residential or commercial purposes any motor vehicle, trailer or semitrailer as they are defined in Section 46.2-100 of the Code of Virginia which is inoperative. The number of inoperable motor vehicles which any person may keep outside of a fully enclosed building or structure, but which are shielded or screened from view by fitted covers made to fit over automobiles or trailers, shall be limited to one. As used in this section, an "inoperable motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of sixty days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal.

However, the provisions of this act shall not apply to a licensed business which on the effective date of this ordinance is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

B. The following exemptions apply:

(1) The provisions of this section shall not apply to a licensed business which on or before June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor so long as any inoperative motor vehicle, trailer or semitrailer stored in connection with such business is located on the premises where such business is operated or premises contiguous therewith.

(2) All vehicles offered for sale by credit institutions or creditor businesses, when such vehicle is obtained in the regular course of business and so held for resale including, but not limited to, vehicles held for sale by banks, loan companies or others possessing such vehicles as a result of the enforcement of creditor rights, the enforcement of repair workers' or storage liens or court order are exempted.

(3) Any automobile which is held for sale by the owner on his or her property for a period not to exceed 90 days. In order to qualify for the exemption stated in this section, such owner must demonstrate a good faith intent to sell such vehicle by continuous advertising by signs placed on the vehicle and/or other visible means. Should the vehicle remain unsold at the expiration of such 90-day period or should the owner take the vehicle off the market, the owner shall immediately remove the vehicle from his or her property. Individuals selling privately under this provision may sell no more than three vehicles per calendar year.

1. Va. Code Ref. Sec. 15.1-11.1

(4) Vehicles being held or stored by or at the direction of any governmental authority and vehicles owned by a member of the armed forces on active duty.

C. 1. Upon written order of the Town Council served upon owners of property zoned for residential or commercial purposes said owners shall, at such time or times as the Council may prescribe, remove therefrom any such inoperative motor vehicles, trailer or semitrailer that are not kept within a fully enclosed building or structure;

2. The Council may through its agents or employees remove any such inoperative motor vehicles, trailer or semitrailer whenever the owner of the premises, after reasonable notice, has failed to do so;

3. In the event the Council, through its agents or employees, removes any such motor vehicles, trailer or semitrailer, after having given such reasonable notice, such Council may dispose of such motor vehicles, after giving additional notice to the owner of the vehicle;

4. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the Town as taxes on real property within the Town are collected;

5. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the Town of Hurt.

D. *Infractions and Civil Penalties.*

1. In the event of a violation of any provision of this ordinance the person violating this ordinance shall be subject to a civil penalty of \$100.00 for the first offense and \$200.00 for each succeeding offense.

2. A summons shall be issued to the person committing such violation. Such summons shall contain the following information:

- a. The name and address of the person charged.
- b. The nature of the infraction and the ordinance provision(s) being violated.
- c. The location, date and time that the infraction occurred or was observed.
- d. The amount of the civil penalty assessed for the infraction.
- e. The manner, location and time in which the civil penalty shall be paid to the Town.
- f. A statement that failure to timely pay the penalty will result in a charge of a Class 3 misdemeanor to be tried in the Pittsylvania County General District Court.

3. The summons shall provide that not later than 7 days after the date the summons is served the person summoned shall pay the civil penalty by making an appearance in person to the Clerk's Office at the Hurt Town Hall enter an admission of



liability and pay the civil penalty established for the offense charged. Timely payment of the penalty and admission of liability shall preclude the prosecution of a violation as a criminal misdemeanor. Payment of the penalty and admission of liability shall not be considered a criminal conviction for any purpose.

4. If a person summoned for a violation does not admit liability and timely pay the penalty the violation such person shall be charged with a Class 3 misdemeanor and such person shall be tried in the Pittsylvania County General District Court in the same manner and with the same right of appeal as provided by law.

5. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

C. In addition to the remedies provided in B. above any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a Class 3 misdemeanor and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **ARTICLE VIII - DANGEROUS USE OF FIREARMS OR OTHER WEAPONS**

### **Sec. 8-44. Wilfully discharging firearms in public places.<sup>1</sup>**

A. If any person wilfully discharges or causes to be discharged any firearm in any street in this town, or in any place of public business or place of public gathering or at any place in the Town within 300 feet of any occupied dwelling or business establishment of any nature, and such conduct does not result in bodily injury to another person, he shall be guilty of a Class 1 misdemeanor.

B. This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose said wilful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law. In addition, this section shall not apply to any otherwise lawful discharge while actually engaged in lawful hunting, a program or curriculum sponsored by or conducted with permission of the school or while in or on an established shooting range. It is further provided that the Mayor may issue a permit to any discreet person or organization for special supervised firearm events and for the killing of obnoxious birds and animals.

### **Sec. 8-45. Discharging air gun, bow, etc.<sup>2</sup>**

No person shall, anywhere within the town within 300 feet of any occupied dwelling or business establishment of any nature discharge an arrow, shot, gravel, bullet or any similar thing from any air gun, bow, gravel shooter or other similar instrument.

### **Sec. 8-46. Throwing stones, etc.<sup>3</sup>**

It shall be unlawful for any person to throw a stone or other missile in the streets.

### **Sec. 8-47. Pointing or brandishing firearm or object similar in appearance.<sup>4</sup>**

A. It shall be unlawful for any person to point, hold or brandish any firearm,

1. Va. Code Ref. Sec. 18.2-280 and 15.2-1102

2. Va. Code Ref. Sec. 15.2-1102

3. Va. Code Ref. Sec. 15.2-1102

4. Va. Code Ref. Sec. 18.2-282

as hereinafter described, or any object 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 or hold a firearm in a public place in such a manner as to reasonably induce fear in the mind of another of being shot or injured. However, this section shall not apply to any person engaged in excusable or justifiable self-defense. Persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

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 for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, holding or brandishing such firearm, or object which was 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 a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

## ARTICLE IX - OTHER ILLEGAL WEAPONS

### Sec. 8-48. Possession of loaded firearms by persons under 18 years of age under certain circumstances; penalties.<sup>1</sup>

It shall be unlawful for any person under the age of eighteen to carry or have in his possession while in any public place or upon any public highway in the Town a loaded firearm. This section shall not apply to a person (i) in his own home or curtilage thereof, (ii) acting at the time in lawful defense of persons or property, (iii) engaged in lawful hunting, nor (iv) engaged in marksmanship practice at established ranges.

Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine not to exceed \$100.00. It is further provided that upon conviction of a violation of this section the court may order the weapon forfeited to the Commonwealth pursuant to the provisions of Section 18.2-310 of the Code of Virginia, as amended.

### Sec. 8-49. Possession or transportation of certain firearms by persons under the age of eighteen; penalty.<sup>2</sup>

It shall be unlawful for any person under eighteen years of age to knowingly

1. Va. Code Ref. Sec. 18.2-287.3
2. Va. Code Ref. Sec. 18.2-308.7

and intentionally possess or transport a handgun or assault firearm anywhere in the Commonwealth. For the purposes of this section, "*handgun*" means any pistol or revolver or other firearm originally designed, made and intended to fire a projectile by means of an explosion from one or more barrels when held in one hand and "*assault firearm*" means any (i) semi-automatic centerfire rifle or pistol which expels a projectile by action of an explosion and is equipped at the time of the offense with a magazine which will hold more than twenty rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (ii) shotgun with a magazine which will hold more than seven rounds of the longest ammunition for which it is chambered. A violation of this section shall be a Class 1 misdemeanor. Any handgun possessed or transported in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in Section 18.2-310 of the Code of Virginia, as amended.

This section shall not apply to:

A. Any person (i) while in his home or on his property; (ii) while in the home or on the property of his parent, grandparent, or legal guardian; or (iii) while on the property of another who has provided prior permission, and with the prior permission of his parent or legal guardian if the person has the landowner's written permission on his person while on such property;

B. Any person who, while accompanied by an adult, is at, or going to and from, a lawful shooting range or firearms educational class, provided that the weapons are unloaded while being transported;

C. Any person actually engaged in lawful hunting or going to and from a hunting area or preserve, provided that the weapons are unloaded while being transported; and

D. Any person while carrying out his duties in the armed forces of the United States or the National Guard of this Commonwealth or any other state.

## ARTICLE X - MISCELLANEOUS DANGEROUS CONDUCT

### Sec. 8-50. Covers to be kept on certain wells.<sup>1</sup>

Every person owning or occupying any land on which there is a well having a diameter greater than six inches and which is more than ten feet deep shall at all times keep the same covered in such a manner as not to be dangerous to human beings, animals or fowls.

Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor.

1. Va. Code Ref. Sec. 18.2-317

**Sec. 8-51. Authority of the Town to require and regulate well covers.<sup>1</sup>**

Notwithstanding the provisions of Section 8-50, the governing body of the Town may adopt ordinances requiring persons owning or occupying any land within such Town on which there is a well having a diameter greater than six inches and which is more than ten feet deep to keep the same covered in such a manner as not to be dangerous to human beings, animals or fowls.

Any such ordinance may specify and require reasonable minimum standards for the construction, installation and maintenance of such covers, including the manner in which any concrete used in connection therewith shall be reinforced, and may prescribe punishment for violations not inconsistent with general law.

**Sec. 8-52. Discarding or abandoning ice boxes, etc.; precautions required.<sup>2</sup>**

It shall be unlawful for any person, firm or corporation to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than two cubic feet of clear space which is airtight, without first removing the door or doors or hinges from such icebox, refrigerator, container, device or equipment.

This section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is 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 thereof.

Any violation of the provisions of this section shall be punishable as a Class 3 misdemeanor.

**Sec. 8-53. Leaving disabled or dead animal in road, or allowing dead animal to remain unburied.<sup>3</sup>**

If any person cast any dead animal into a road or knowingly permit any dead animal to remain unburied upon his property when offensive to the public or, having in custody any maimed, diseased, disabled or infirm animal, leave it to lie or be in a street, road or public place, he shall be guilty of a Class 3 misdemeanor.

**Sec. 8-54. Throwing or depositing certain substances upon highway; removal of such substances.<sup>4</sup>**

No person shall throw or deposit or cause to be deposited upon any highway

1. Va. Code Ref. Sec. 18.2-318
2. Va. Code Ref. Sec. 18.2-319
3. Va. Code Ref. Sec. 18.2-319
4. Va. Code Ref. Sec. 18.2-323

any glass bottle, glass, nail, tack, wire, can, or any other substance likely to injure any person or animal, or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Any persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

## **ARTICLE XI - MISCELLANEOUS OFFENSIVE CONDUCT**

### **Sec. 8-55. Indecent exposure.<sup>1</sup>**

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.

### **Sec. 8-56. Urinating in public.<sup>2</sup>**

Any person who shall, in the Town of Hurt, urinate in any public place, including the right of way of any public highway, road or street or upon any private property, other than in a place specifically designated a public restroom or public bathroom, such that he or she may be readily observed in the process of such act by persons within his or her vicinity or passing by, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$100.00.

### **Sec. 8-57. Profane swearing and drunkenness; transportation of public inebriates to detoxification center.<sup>3</sup>**

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.

1. Va. Code Ref. Sec. 18.2-387
2. Va. Code Ref. Sec. 15.1-37.3:10
3. Va. Code Ref. Sec. 18.2-388

**Sec. 8-58. Drinking alcoholic beverages, or tendering to another, in public place.<sup>1</sup>**

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, 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 § 4-25 of the Code of Virginia, as amended, 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 qualify as beverages as defined in § 4-99 of the Code of Virginia, and beer only within all seating areas, concourses, walkways, concession areas, as well as other additional locations designated by the Board, in coliseums, stadia, or similar facilities, during the performance of a professional sporting exhibition or event, provided such alcoholic beverages 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.

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 prevent, 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.

**Sec. 8-59. Drinking while operating a motor vehicle; penalty.<sup>2</sup>**

It shall be unlawful for any person to consume an alcoholic beverage while driving a motor vehicle upon a public highway of this Town. A violation of this section is punishable as a Class 4 misdemeanor.

1. Va. Code Ref. Sec. 4-78
2. Va. Code Ref. Sec. 18.2-323.1

## **ARTICLE XII - DANCE HALLS, AMUSEMENT HALLS AND FAMILY RECREATION CENTERS**

### **Part 1. Dance Halls**

#### **Sec. 8-60. "Public Dance Hall" Defined.**

For the purposes of this and the following sections, "Public Dance Hall" shall mean any place open to the general public where dancing is permitted; provided, however, that a restaurant located in the town licensed under Section 4.1-210 of the Code of Virginia of 1950, as amended, to serve food and beverages having a dance floor with an area not exceeding ten (10) per centum of the total contiguous floor area of the room in which dancing takes place shall not be considered a public dance hall.

#### **Sec. 8-61. Same. Permit Required; conditions of issuance.**

A. No person shall operate a public dance hall in the Town unless such person has obtained a written permit from the Town Manager under the provisions of Part III of this Article.

B. In addition to any application fee charged under Part 3., and, in addition to applicable business license taxes, a fee of Six Hundred Dollars (\$600.00) per year (nonproratable and nonrefundable) shall be paid upon approval of the application and issuance of a permit.

C. In addition to the permit requirements of Part 3., the applicant shall submit a plan for adequate parking facilities, crowd and traffic control around the dance hall, including a plan for adequate off-street parking facilities and the number of private security or police personnel to be employed. This plan shall be approved by the Town Manager and the Chief of Police.

D. No permit shall be issued unless the person desiring to obtain a public dance hall permit provides satisfactory evidence that he has complied with all applicable provisions of the Virginia Uniform Statewide Building Code and the Virginia Fire Hazards Law.

E. The holder of a permit by acceptance of the issuance thereof warrants that no music shall be played either by mechanical devices or live performance in such manner that the sound emanating therefrom shall be unreasonably loud beyond the property on which the dance hall is located.

Issuance of a permit hereunder shall not bar prosecution of the holder thereof for violations of town ordinances relating to excessive noises.

F. No alcoholic beverages shall be consumed in or on the premises of a public dance hall except in strict compliance with the provisions of the Alcoholic Beverage Control Board.

G. The property upon which a public dance hall is located shall be kept reasonably clean and free of litter

**Sec. 8-62. Revocation or suspension.**

Any permit issued pursuant to the provisions hereof may be revoked or suspended pursuant to the provisions of Part 3.

**Sec. 8-63. Hours of Operation.**

It shall be unlawful for any person to operate or conduct a public dance hall in the Town between the hours of 9 p.m. and 7 a.m. any night of the week.

**Sec. 8-64. Exemptions.**

Dances which are held less than three times per year and which are held for benevolent or charitable purposes when conducted under the auspices of religious, educational or civic or military organizations shall not require permits under this section. Dances held by any of the foregoing organizations three or more times per year, however, shall require a permit issued under the provisions of Part 3. However, if the said organization is a recognized charitable, benevolent or civic organization based in the town or if it holds tax exempt status under Section 503(c) of the Internal Revenue Code it shall not be required to pay any fees.

Notwithstanding the provisions of this section, no dance, whether open to the public or not, shall be held in the town in a building, other than a private residence, which does not comply with the applicable provisions of the Virginia Uniform Statewide Building Code and the Virginia Fire Hazards Law.

**Part 2. Amusement Halls and  
Family Recreation Centers**

**Sec. 8-65. Definitions.**

A. "Amusement Hall" shall mean any establishment not meeting the requirements of Section 8-67 and not holding a permit as a "family recreation center" where foosball, table tennis, shuffleboard, video games, any and all forms of pool, or any other game of recreation or amusement is displayed for public patronage, where the insertion of a coin, slug or token for the payment of a fee is required or for which a sum is charged or a fee imposed upon those wishing to play and where three or more of such game machines or implements or pool tables are in use.

B. "Family recreation center" shall mean any establishment meeting the requirements of Section 8-67 and issued a permit as such, where foosball, table tennis, shuffleboard, video games, any and all forms of pool, or any other game of recreation or amusement is displayed for public patronage, where the insertion of a coin, slug or



token for the payment of a fee is required or for which a sum is charged or a fee imposed upon those wishing to play and where three or more of such game machines or implements or pool tables are in use.

C. There shall be exempted from the definitions contained in A. and B. above any establishment maintaining games of amusement as described in A. and B. in which such games of amusement generate total revenue not exceeding 10% of the gross revenue of said establishment.

#### **Sec. 8-66. Regulation of Amusement Halls.**

A. No person shall operate an amusement hall in the Town unless such person has obtained a permit from the Town Manager pursuant to Part 3 hereof and a business license as required under Chapter 2 of the Code of the Town of Hurt.

B. It shall be unlawful for any person owning, managing or operating an amusement hall to permit any minor under the age of 18 years to enter or remain in the amusement hall.

C. It shall be unlawful for any minor under the age of 18 years to enter or remain in an amusement hall.

D. Exception: A minor under the age of 18 may temporarily enter an amusement hall upon some lawful errand and sent under the direction and the consent and knowledge of the parent, person *in loco parentis* or legal guardian or other person having the lawful custody of such minor as reflected by a writing carried by said minor.

E. Any person desiring admittance to an amusement hall shall be solely responsible for establishing his or her age to the owner or manager of the amusement hall.

F. No alcoholic beverages shall be consumed in or on the premises of an amusement hall except in strict compliance with the provisions of the Alcoholic Beverage Control Board.

G. Hours of Operation. It shall be unlawful for any person to operate or conduct an amusement hall in the Town between the hours of 1 a.m. and 6 a.m. on any night of the week.

H. The amusement hall shall be illuminated throughout its interior with lighting sufficient to make the appearance of all patrons and other persons who are in the room easily discernible upon entering the premises.

I. The location shall provide separate restroom facilities for both sexes.

J. The amusement hall shall be open for observation without warrant by any law enforcement official at any time during normal hours of operation and no owner, operator or employee in any way shall hinder any fire prevention or law enforcement officer who wishes to inspect the premises.

K. Adequate parking space shall be provided to serve the establishment so that customers and employees will not need to park on the public street.

L. It shall be an affirmative defense to any prosecution for violation of this section if the person owning, managing or operating an amusement hall in good faith has required production of a birth certificate or Division of Motor Vehicles identification showing the age of the person desiring admittance and has not relied solely on oral allegations or apparent age of such person.

**Sec. 8-67. Family Recreation Center.**

No person shall operate a family recreation center in the Town unless such person has obtained a permit from the Town Manager pursuant to Part 3 hereof and a business license as required under Chapter 2 of the Code of the Town of Hurt. In order to obtain a permit as a family recreation center (hereinafter referred to as "center") an establishment shall meet the following requirements and once permitted as such, no center shall be operated except in compliance with the following requirements:

A. The center shall be illuminated throughout its interior with lighting sufficient to make the appearance of all patrons and other persons who are in the room easily discernible upon entering the premises.

B. The location shall provide separate restroom facilities for both sexes.

C. The center shall at all times be under management and controlled by a person at least 18 years of age who shall be on the premises of the center at all times during the hours of operation.

D. The center shall have no partitioned or closed off areas other than those for the toilet facilities, office space and storerooms.

E. The center shall be situated on the ground level floor of the building in which it is situated; it shall also have a window or windows with a total of not less than 100 square feet of glass facing the street which shall not be covered or otherwise obstructed during hours of business.

F. The center shall be open for observation without warrant by any law enforcement official at any time during normal hours of operation and no owner, operator or employee in any way shall hinder any fire prevention or law enforcement officer who wishes to inspect the premises.

G. The center shall display in a conspicuous manner the permit issued and the business license obtained for operation of the center.

H. No alcoholic beverages shall be sold in the center for on-premises consumption, and the owner or operator shall not permit any alcoholic beverages or illegal drugs to be consumed in the center and shall not permit any person to remain in the center who is under the influence of alcohol or drugs at the location, including any required parking area.

I. A center may not operate on any day between the hours of midnight and 8:00 a.m. of the following day.

J. Adequate parking space shall be provided to serve the establishment so that customers and employees will not need to park on the public street.

K. The Town Manager shall be supplied with the names of all employees which shall be kept current by the licensed owner or operator, and such names shall be posted conspicuously.

### **Part 3. Permits; issuance; revocation, etc.**

#### **Sec. 8-68. Permit required; conditions of issuance of permit.**

A. *Permit required.* No person shall operate a public dance hall, an amusement hall or family recreation center in the Town unless such person has obtained a permit from the Mayor pursuant to the terms hereof. No permit shall be issued unless the person desiring to obtain said permit has obtained a business license pursuant to Chapter 2 of this code as applicable.

B. *Application.* Persons desiring to operate a public dance hall, an amusement hall or family recreation center shall file an application with the Mayor. The application shall contain the following information:

1. Name and address of the applicant, age, social security number, race, sex, date and place of birth and the relationship of the applicant, if any, to any company, corporation or entity which has an interest in the ownership or management of the establishment.

2. A list of all employees who are expected to serve in a managerial capacity in the establishment.

3. Prior criminal convictions, excluding minor traffic offenses, of the applicant and of all employees.

4. Prospective location of the establishment.

5. Maximum number of patrons establishment will accommodate and number of machines or games.

6. A certification by the applicant that all requirements of this chapter have been complied with.

7. At the time of filing his application, the applicant for a permit required by the provisions of this chapter shall pay a fee of \$100 which shall not be refundable.

C. *Investigation.* 1. Upon receiving application for a permit required by this chapter, the Mayor immediately shall cause an investigation to be made concerning the qualifications of the applicant and whether the proposed establishment is in compliance with all applicable law.

2. The Chief of Police shall conduct a criminal background investigation of the applicant and all designated employees to determine if the past

criminal conduct of such persons would be incompatible with the operation of the establishment.

3. The Mayor shall grant or deny any permit applied for under the provisions of this chapter and shall notify the applicant of his action within 30 days of the filing of the application. If the Mayor denies such permit, he shall state in writing his reasons for such action.

D. *Grounds for Denial.* The following factors shall constitute grounds for the denial of a permit required by the provisions of this division:

1. A finding by the Mayor that the applicant has falsified his application in a material manner.

2. A finding by the Mayor that the applicant or any employee has a criminal record which reveals any convictions for violations of any drug control law or any pattern of criminal misconduct involving moral turpitude which would be incompatible with the operation of the center.

3. A finding by the Mayor that the applicant consistently fails to cooperate with law enforcement personnel in the exercise of their official duties.

4. A finding by the Mayor that the application is not properly completed as required herein.

5. A finding by the Mayor that the proposed establishment fails to comply with the provisions of this article.

No other factors shall be sufficient grounds for denial of an application for a permit.

E. *Term.* The permit issued under this section must be renewed annually.

F. *Expiration.* When the holder of a permit issued hereunder shall cease to operate the establishment for a period of sixty (60) days, the permit shall be void.

G. *Non-Assignability.* No permit issued hereunder shall be assignable in any manner whatsoever.

#### **Sec. 8-69. Same; Revocation or suspension of Permits for Public Dance Halls, Amusement Halls or Family Recreation Centers.**

A. *Suspension or revocation.* The Town Manager may suspend for a period of thirty (30) days or revoke the permit for the operation of an amusement hall or family recreation center if he finds:

1. That the premises have been declared a common nuisance by a court of competent jurisdiction.

2. That the permittee has consistently failed to operate the establishment in an orderly manner.

3. That the permittee has failed to take prompt and vigorous action to prevent violations of criminal statutes occurring on the premises which are known or should have been known to the permittee.

4. That circumstances exist which would have justified a denial of such permit at the time of its issuance.

5. That the permittee has failed to comply with the provisions of this article.

B. *Hearing.* A permittee under this chapter shall be entitled to a hearing before the Town Manager before any permit is revoked or suspended. The Town Manager shall give the permittee five (5) days notice of his intention to revoke or suspend such permit, along with his grounds for revocation or suspension by certified mail, return receipt requested, or by personal service by an appropriate law enforcement officer. The hearing shall be held not more than twenty (20) days after the giving of the notice.

C. *Appeal to Town Council.* Any person who has been denied a permit by the Town Manager or whose permit has been revoked or suspended by the Town Manager may appeal such action by the Town Manager to the Town Council by notifying the Town Clerk within five (5) days of notification by such person of such denial or revocation or suspension. The Town Council shall conduct a hearing at its next regularly scheduled meeting which is more than five days after receipt of notice of the appeal, and the action of the Town Manager shall not become final until after Council has reviewed the matter and noted its agreement with the Manager's action.

#### **Sec. 8-70. Applicability to Existing Businesses.**

Any establishment described in Part 1 and Part 2 of this Article XII which was in operation on October 10, 1989 shall be subject to all the requirements hereof and any such establishment not meeting the requirements of Section 8-67 shall thereafter be classified as an amusement hall and regulated as such. Exception: Any establishment so classified as an amusement hall admission to which had not, on said date, been limited to persons 18 years or older shall not be subject to said limitation after said date so long as the basic character of the said establishment remains unchanged.

### **Part 4. Penalties; Severability**

#### **Sec. 8-71. Penalties.**

A. Any person violating any of the provisions of Parts 1, 2 or 3 of this Article XII shall be guilty of a Class 3 misdemeanor and shall be punished accordingly.

B. Any person violating any of the provisions of Part 3 of this Article XII shall be guilty of a Class 4 misdemeanor and shall be punished accordingly.

C. Any person who continues to violate any of the provisions of this Article after having been directed by the Town Police to cease and desist from such

violation, in addition to the remedy provided in Subsection A above shall be subject to an injunction against said continued violation.

**Sec. 8-72. Severability.**

Should any section, subsection, clause, sentence or provision of this Article XII be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Article XII as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

**ARTICLE XIII - CRIMES AGAINST PEACE AND ORDER**

**Sec. 8-73. Prohibited conduct on public streets, sidewalks, etc.**

No person shall engage in any conduct described herein on the public sidewalks, streets, public rights-of-way or on privately owned property that is open to the public in the Town of Hurt:

A. No person shall loiter, linger, stand, sit or lie in or upon any public sidewalk, street, curb, crosswalk, walkway area, mall or any portion of privately owned property that is open to the public so as to unreasonably hinder or obstruct the free normal flow or passage of pedestrians or vehicles thereon.

B. No person shall loiter, linger, stand, sit or lie in or upon any public sidewalks, street, curb, crosswalk, walkway area, mall or any portion of privately owned property that is open to the public so as to disturb or annoy the peace of mind or comfort or repose of reasonable persons living in the vicinity.

C. No person shall block, obstruct or prevent free access to the entrance of any building open to the public.

D. No person shall obstruct, molest or interfere or attempt to obstruct, molest or interfere with any person lawfully on or in a public right-of-way, street or highway, in a manner that would cause a reasonable person or pedestrian on a public right-of-way, street or highway to fear for his or her safety.

E. No person shall engage in any conduct on or in a public right-of-way, street or highway or any portion of privately owned property that is open to the public having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed.

F. No person shall engage in any conduct on or in a public right-of-way or any portion of privately owned property that is open to the public having a direct tendency to cause a disturbance to the reasonable peace of mind or comfort or repose of any other person lawfully on or in a public right-of-way, street or highway or any portion of privately owned property that is open to the public.

G. No person shall engage in any conduct on or in a public right-of-way, street or highway or privately owned property that is open to the public having a direct tendency to cause a disturbance to the peace of mind or comfort or repose of reasonable persons living next to such public right-of-way, street or highway or privately owned property that is open to the public.

H. No person on or in any public right-of-way, street or highway or any portion of privately owned property that is open to the public shall engage in yelling, shouting, hooting, whistling or singing in such a manner or with such volume as to disturb or annoy the peace of mind or comfort or repose of reasonable persons.

I. In order to promote the safe and orderly flow of traffic on the public streets and highways, no person shall stop a motor vehicle in such manner as to impede traffic upon, or render dangerous the use of, the streets or highways by others and no person shall loiter or linger on or in the public streets or highways for the purpose of engaging the operator of any motor vehicle or any passenger in a motor vehicle in conversation or any other activity while such motor vehicle is stopped on the main-traveled portion of a street or highway.

Any person violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor.

**Sec. 8-74. Obstructing free passage of others.<sup>1</sup>**

Any person or persons 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 place or property and who shall fail or refuse to cease such obstruction or move on 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. Nothing in this section shall be construed to prohibit lawful picketing.

**Sec. 8-75. Obstructing members of rescue squad in performance of mission.<sup>2</sup>**

Any person or persons who unreasonably or unnecessarily obstruct a member of a rescue squad, whether governmental, private or volunteer, in the performance of their rescue mission or who shall fail or refuse to cease such obstruction or move on when requested to do so by a member of a rescue squad going to or at the site of a rescue mission, shall be guilty of a Class 4 misdemeanor.

1. Va. Code Ref. Sec. 18.2-404

2. Va. Code Ref. Sec. 18.2-414.1

**Sec. 8-76. Crossing established police lines, perimeters or barricades.<sup>1</sup>**

It shall be unlawful for any person to cross or remain within police lines or barricades which have been established pursuant to § 15.1-140.1 of the Code of Virginia, as amended, without proper authorization.

Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor.

**Sec. 8-77. Disorderly conduct in public places.<sup>2</sup>**

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:

A. Wilfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any meeting of the governing body of the Town of Hurt or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of such meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

B. Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

However, the conduct prohibited under subsection A or B shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter.

The person in charge of any such building, place, conveyance, meeting, operation or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

A person violating any provision of this section shall be guilty of a Class 1 misdemeanor.

**Sec. 8-78. Punishment for using abusive language to another.<sup>3</sup>**

If any person shall, in the presence or hearing of another, curse or abuse such

1. Va. Code Ref. Sec. 18.2-414.2

2. Va. Code Ref. Sec. 18.2-415

3. Va. Code Ref. Sec. 18.2-416



other person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a Class 3 misdemeanor.

**Sec. 8-79. Noises in the Town.**

A. *Prohibited acts.* Except as provided in subsection B. below, the following activities shall be unlawful in the Town:

1. *Blowing horns.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as an emergency warning, in the Town.

2. *Radios, phonographs, etc.* Using, operating or playing any radio, television, record player, compact disc player or tape player, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is audible between 10:00 p.m. and 7:00 a.m. (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at least fifty (50) or more feet from the device, except for devices operated by permit issued pursuant to Subsection (b) (2) below.

3. *Loudspeakers and amplifiers for advertising.* Using, operating or permitting the use or operation, without a permit from the Town as provided in subsection B. 2. of this section, of any radio, record player, compact disc player or tape player, musical instrument, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sounds which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in the Town.

4. *Sound from motor vehicles.* Playing or permitting the playing of any radio, record player, compact disc player or tape player, loud speaker, sound amplifier, or other machine or device used for the production or reproduction of sound, which is located within a motor vehicle and which is audible from outside the motor vehicle at a distance of 50 feet or more from such vehicle. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

5. *Animal noises.* Allowing any animal or bird to cause noise (i) such that it can be heard inside the confines of the dwelling unit house or apartment of another person between the hours of 10:00 p.m. and 7:00 a.m.; (ii) such that it can be heard at 50 feet or more from the animal or bird between the hours of 10:00 p.m. and 7:00 a.m.; (iii) such that it can be heard inside the confines of the dwelling unit, house or apartment of another person at least once per minute for ten consecutive minutes; or (iv) such that it can be heard at 50 feet or more from the animal or bird at least once per minute for ten consecutive minutes.

6. *Yelling and shouting.* Yelling and/or shouting, or permitting such yelling and/or shouting, in such a manner or with such volume that it is audible (i) inside the confines of the dwelling unit, house or apartment of another person or (ii) at fifty (50) feet or more from the person engaging in such conduct or at 50 feet from the building, structure or vehicle in which such persons are located.

7. *Unmuffled exhausts.* Discharging into the open air for a continuous period in excess of thirty minutes of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, including motorcycles, all terrain vehicles ("ATVs", "four wheelers")\_except through a muffler or other device intended to control noises therefrom. In a prosecution for a violation of this section, failure of the owner of a motor vehicle to have installed thereon an exhaust system in conformity with the requirements of Code of Virginia, §§ 46.2-1047, 46.2-1049 and 46.2-1050, incorporated by reference into this Code shall be prima facie evidence of a violation of this section.

8. *Diesel tractors.* The running of the engine of a diesel tractor truck, whether muffled or unmuffled, without the driver being in the cab of such tractor truck at the time the engine is running, between the hours of 10:00 p.m. and 7:00 a.m.

9. *Accessory engines. Running accessory engine between certain hours.* The running of any accessory engine on a trailer of the type commonly pulled by tractor trucks between the hours of 10:00 p.m. and 7:00 a.m.

10. Creating noise in residential areas between 10:00 p.m. and 7:00 a.m. in connection with lawn care, leaf removal, gardening, tree maintenance or removal and other landscaping, lawn or timbering activities.

B. *EXEMPTIONS.*

1. The following activities shall be exempt from the provisions of subsection A. above:

a. Noises resulting from any event sanctioned by the Town Council by permit as provided in Paragraph B. 2. below taking place between the hours of 7:00 A.M. and 12:00 midnight in any town park, in the Staunton Plaza Shopping Center and any other area in which such designated event is taking place.

2. *PERMITS.* Any person, group or organization desiring to hold an event as described in subsection 1.a. above shall obtain a permit from the Town Council no less than 7 days before the commencement of the event. Events which occur on a regular basis may be permitted multiple times in a single permit.

Permits may be issued for the following events:

- a. Fireworks displays.
- b. Carnivals.
- c. Parades.
- d. Outdoor amplified music or bands, whether on private or public property.
- e. Outdoor sporting events.
- f. School sponsored events on school property.
- g. Public functions.
- h. Commercial sales events.

Any person, group or organization desiring to hold an event as outlined in 1. of this section shall obtain a permit from the town not later than 48 hours before the commencement of the event.

Events which occur on a regular basis may be permitted multiple times in a single permit.

3. Any noises resulting from normal operations of any industrial plant located within the town.

4. Any noises resulting from normal commercial operations in the Town between the hours of 7:00 A.M. and 11:00 P.M.

5. Any noises resulting from an event staged in conformity with a duly issued Special Use Permit on the property to which the Special Use Permit applies.

C. *Infractions and Civil Penalties.*

1. In the event of a violation of any provision of this ordinance the person violating this ordinance shall be subject to a civil penalty of \$50.00 for the first offense and \$100.00 for each succeeding offense.

2. A summons shall be issued to the person committing such violation. Such summons shall contain the following information:

a. The name and address of the person charged.

b. The nature of the infraction and the ordinance provision(s) being violated.

c. The location, date and time that the infraction occurred or was observed.

d. The amount of the civil penalty assessed for the infraction.

e. The manner, location and time in which the civil penalty shall be paid to the Town.

f. A statement that failure to timely pay the penalty will result in a charge of a Class 4 misdemeanor to be tried in the Pittsylvania County General District Court.

3. The summons shall provide that not later than 7 days after the date the summons is served the person summoned shall pay the civil penalty by making an appearance in person to the Clerk's Office at the Hurt Town Hall enter an admission of liability and pay the civil penalty established for the offense charged. Timely payment of the penalty and admission of liability shall preclude the prosecution of a violation as a criminal misdemeanor. Payment of the penalty and admission of liability shall not be considered a criminal conviction for any purpose.

4. If a person summoned for a violation does not admit liability and timely pay the penalty the violation such person shall be charged with a Class 4 misdemeanor and such person shall be tried in the Pittsylvania County General District Court in the same manner and with the same right of appeal as provided by law.

5. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

D. *Additional Remedy - Injunction.* As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this section which endangers the health, safety or welfare of residents in the area shall be deemed, if so declared by the town council, a public nuisance and may be subject to abatement merely by a restraining order or injunction issued by the county circuit court.

E. *Severability.* The invalidity of any clause, sentence, or provision of this section shall not affect the validity of any other part of this section which can be given effect without such invalid part or parts.

## ARTICLE XIV - INTERFERENCE WITH ADMINISTRATION OF JUSTICE

### Sec. 8-80. Obstructing justice by threats or force.<sup>1</sup>

A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the Commonwealth, witness or any law-enforcement officer 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, or law-enforcement officer, he shall be guilty of a Class 2 misdemeanor.

B. If any person, by threats, or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, or any law-enforcement officer, lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, he shall be deemed to be guilty of a Class 1 misdemeanor.

### Sec. 8-81. Giving False Reports to Police Officers.<sup>2</sup>

It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any law enforcement official with intent to mislead, or (ii) 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.

### Sec. 8-82. Concealing or compounding offenses.<sup>3</sup>

If any person knowing of the commission of an offense take any money or reward, or an engagement therefor, upon an agreement or understanding, expressed or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence thereof, he shall, if such offense be a felony, be guilty of a Class 2 misdemeanor; and if such offense be not a felony, unless it be punishable merely by forfeiture to him, he shall be guilty of a Class 4 misdemeanor.

1. Va. Code Ref. Sec. 18.2-460
2. Va. Code Ref. Sec. 18.2-461
3. Va. Code Ref. Sec. 18.2-462

Replacement Page. (Sec. 8-80 and Sec. 8-81 amended 8/6/96).

**Sec. 8-83. Refusal to aid officer in execution of his office.<sup>1</sup>**

If any person on being required by any Town law enforcement officer refuse or neglect 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 a breach of the peace, or (4) in any case or escape or rescue, he shall be guilty of a Class 2 misdemeanor.

**Sec. 8-84. Failure to obey order of conservator of the peace.<sup>2</sup>**

If any person, being required by a conservator of the peace on view of a breach of the peace or other offense to bring before him the offender, refuse or neglect to obey the conservator of the peace, he shall be guilty of a Class 2 misdemeanor; and if the conservator of the peace declare himself or be known to be such to the person so refusing or neglecting, ignorance of his office shall not be pleaded as an excuse.

1. Va. Code Ref. Sec. 18.2-463
2. Va. Code Ref. Sec. 18.2-464

**Replacement Page.** (Sec. 8-80 and Sec. 8-81 amended 8/6/96).