

TITLE XIII: GENERAL OFFENSES

Chapter

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Charter reference:

Police regulations, see § 17

Statutory reference:

Crimes and offenses generally, see VA Code Title 18.2

CHAPTER 130: GENERAL PROVISIONS

Section

130.01 Assault and battery

130.99 Penalty

§ 130.01 ASSAULT AND BATTERY.

It is unlawful to commit a simple assault or assault and battery.
(1998 Code, § 38-1) Penalty, see § 130.99

Statutory reference:

Assault and battery, see VA Code § 18.2-57

§ 130.99 PENALTY.

(A) Any person who shall commit a simple assault or assault and battery shall be guilty of a class 1 misdemeanor; and if the person intentionally selects the person against whom a simple assault is committed because of his or her race, religious conviction, color, or national origin, the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, 30 days of which shall not be suspended, in whole or in part.

(B) As used in this section, the term ***MANDATORY, MINIMUM*** means that the sentence it describes shall be served with no suspension of sentence in whole or in part, and that no probation shall be given by the court.
(1998 Code, § 38-1)

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

- 131.01 Simple larceny defined
- 131.02 Shoplifting
- 131.03 Larceny
- 131.04 Tampering with coin-operated devices with intent to steal
- 131.05 Tampering with utility metering devices; diverting utility service
- 131.06 Injuring property
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- 131.08 Breaking, injuring, defacing, destroying, or preventing the operation of vehicle, aircraft, or boat
- 131.09 Entering or setting in motion vehicle, aircraft, boat, locomotive, or rolling stock of railroad; exceptions
- 131.10 Bona fide repossession under lien
- 131.11 Waterworks and sewage collection and disposal facilities; injuring, defacing
- 131.12 Trespass after having been forbidden to do so
- 131.13 Instigating trespass by others; preventing service to persons not forbidden to trespass
- 131.14 Peeping or spying into structure occupied as dwelling
- 131.15 Entering premises of another for purpose of damaging property or interfering with its use
- 131.16 Trespass at night upon any cemetery
- 131.17 Pulling down fences or leaving gates open

- 131.99 Penalty

§ 131.01 SIMPLE LARCENY DEFINED.

Any person who:

(A) Commits larceny from the person of another of money or other thing of value of less than \$5;
or

(B) Commits simple larceny not from the person of another of goods and chattels of the value of less than \$500, except as provided in VA Code § 18.2-95(iii); shall be deemed guilty of simple larceny. (1998 Code, § 38-31) Penalty, see § 131.99

Statutory reference:

Petit larceny, see VA Code § 18.2-96

§ 131.02 SHOPLIFTING.

(A) Whoever, without authority, with the intention of converting goods or merchandise to his or

her own or another's use without having paid the full purchase price, or of defrauding the owner of the value of the goods or merchandise:

(1) Willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment;

(2) Alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another; or

(3) Counsels, assists, aids, or abets another in the performance of any of the above acts; shall, if the value of the goods or merchandise is less than \$200, be deemed guilty of larceny. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises, shall be prima facie evidence of an intent to convert and defraud the owner out of the value of the goods or merchandise.

(B) (1) A merchant, agent, or employee of the merchant who causes the arrest or detention of any person pursuant to the provisions of VA Code §§ 18.2-95 or 18.2-96, or this section 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 or her 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.

(2) As used in this division (B), **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.

(1998 Code, § 38-32) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code §§ 18.2-103 through 18.2-106

§ 131.03 LARCENY.

When a person is convicted of an offense of larceny or any offense deemed to be or punished as larceny under any provision of this code, and it is alleged in the warrant or information on which he or she is convicted, and admitted, or found by the jury or judge before whom he or she is tried, that he or she has been before convicted in the state 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 of the two, he or she shall be punished as set forth in § 131.99.

(1998 Code, § 38-33) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code, § 18.2-104

§ 131.04 TAMPERING WITH COIN-OPERATED DEVICES WITH INTENT TO STEAL.

Any person who enters, forces, or attempts to force an entrance into, tampers with, or inserts any part of an instrument into any parking meter, vending machine, pay telephone, money changing

machine, or any other device designed to receive money, with intent to steal from such device, shall, for the first conviction, be punished as set forth in § 131.99.

(1998 Code, § 38-34) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-152

§ 131.05 TAMPERING WITH UTILITY METERING DEVICES; DIVERTING UTILITY SERVICE.

(A) Any person who shall tamper with any metering device incident to any oil, telegraph, telephone, electric, telecasting, gas, sewer, wastewater or water facility, or otherwise intentionally prevent such a metering device from properly registering the degree, amount, or quantity of such service supplied, or who shall divert such service, excepting, however, telephonic or electronic extension service not owned or controlled by any such company, without authorization from the owner of such facility who or which furnishes such service to the public, shall be punished as set forth in § 131.99.

(B) The presence of any metering device found to have been altered, tampered with, or bypassed in a manner that would cause such metering device to inaccurately measure and register the degree, amount, or quantity of such service supplied or that would cause such service to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this section by the person to whose benefit it is that such service be unmetered, unregistered, or diverted.

(1998 Code, § 38-35) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-163

§ 131.06 INJURING PROPERTY.

If any person unlawfully destroys, defaces, damages, or removes without the intent to steal any property, real or personal, not his or her own, or breaks down, destroys, defaces, damages, or removes without the intent to steal, any monument erected for the purpose of marking the site of any engagement fought during the war between the states, or for the purpose of designating the boundaries of any city, town, tract of land, or any tree marked for that purpose, he or she shall be punished pursuant to § 131.99 if the value of or damage to the property or monument is less than \$1,000. The amount of loss caused by the destruction, defacing, damage, or removal of such property or monument may be established by proof of the fair market cost of repair or fair market replacement value.

(1998 Code, § 38-36) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-137

§ 131.07 DAMAGING PUBLIC BUILDINGS AND PUBLIC PROPERTY.

Any person who willfully and maliciously breaks any window or door, damages, or defaces or destroys any property in or on the property of the Town Hall or in or on other public buildings or public grounds shall be punished pursuant to § 131.99 if the damage is less than \$1,000.

(1998 Code, § 38-37) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code see § 18.2-138

§ 131.08 BREAKING, INJURING, DEFACING, DESTROYING, OR PREVENTING THE OPERATION OF VEHICLE, AIRCRAFT, OR BOAT.

Any person who shall individually or in association with one or more others willfully break, injure, tamper with, or remove any part of any vehicle, aircraft, boat, or vessel for the purpose of injuring, defacing, or destroying the vehicle, aircraft, boat, or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat, or vessel, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat, or vessel, shall be punished pursuant to § 131.99.

(1998 Code, § 38-38) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-146

§ 131.09 ENTERING OR SETTING IN MOTION VEHICLE, AIRCRAFT, BOAT, LOCOMOTIVE, OR ROLLING STOCK OF RAILROAD; EXCEPTIONS.

Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel, locomotive, or other rolling stock of a railroad, climb into or upon such vehicle, aircraft, boat, vessel, locomotive, or other rolling stock of a railroad, with intent to commit any crime, malicious mischief, or injury thereto, or who, while a vehicle, aircraft, boat, vessel, locomotive, or other rolling stock of a railroad is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes, or mechanism or to set into motion such vehicle, aircraft, boat, vessel, locomotive, or other rolling stock of a railroad, with the intent to commit any crime, malicious mischief, or injury thereto, shall be punished pursuant to § 131.99; except that the foregoing provision shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

(1998 Code, § 38-39) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-147

§ 131.10 BONA FIDE REPOSSESSION UNDER LIEN.

The provisions of §§ 131.08 and 131.09 and VA Code § 18.2-102, shall not apply to a bona fide repossession of a vehicle, aircraft, boat, or vessel by the holder of a lien on such vehicle, aircraft, boat, or vessel, or by the agents or employees of such lienholder.

(1998 Code, § 38-40)

Statutory reference:

Similar provisions, see VA Code § 18.2-148

§ 131.11 WATERWORKS AND SEWAGE COLLECTION AND DISPOSAL FACILITIES; INJURING, DEFACING.

No person shall injure or deface any sewage disposal facility, pump station, or any building or other fixture connected with or pertaining to any waterworks, or sewage facility, without lawful

authority, climb over or get through the enclosure around such facility and waterworks, or place any building material or other thing on the stopcock or other fixture of a street water main or other service pipe so as to obstruct access thereto, or remove or injure any pipe, fireplug, hydrant, or stopcock, or use water from the waterworks for any other purpose for which he or she has not obtained permission. (1998 Code, § 38-41) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-119

§ 131.12 TRESPASS AFTER HAVING BEEN FORBIDDEN TO DO SO.

(A) If any person without authority of law goes upon or remains upon the lands, buildings, or premises of another, or any portion or area of the premises, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or other person lawfully in charge of the premises, or after having been forbidden to do so by a sign 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 or area at a place where it or they may be reasonably seen, or if any person, whether he or she 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 VA Code §§ 16.1-253, 16.1-253.1, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, or 16.1-279.1, or an ex parte order issued pursuant to VA Code § 20-103, and after having been served with such order, he or she shall be punished pursuant to § 131.99.

(B) This section shall not be construed to affect in any way the provisions of VA Code §§ 18.2-132 through 18.2-136.

(1998 Code, § 38-42) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-119

§ 131.13 INSTIGATING TRESPASS BY OTHERS; PREVENTING SERVICE TO PERSONS NOT FORBIDDEN TO TRESPASS.

If any person shall solicit, urge, encourage, exhort, instigate, or procure another to go upon or remain upon the lands, buildings, or premises of another, or any part, portion of area of such lands, buildings, or premises, knowing such other person to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian, or other person lawfully in charge of such lands, buildings, or premises, or knowing such other person to have been forbidden to do so by a sign posted on such lands, buildings, premises, or part, portion, or area of such lands, buildings, or premises, at a place where it may reasonably be seen, or if any person shall, on such lands, buildings, premises, or part, portion, or area of such lands, buildings, or premises, prevent or seek to prevent the owner, lessee, custodian, person in charge, or any employees from rendering service to any person not so forbidden, such person shall be punished pursuant to § 131.99.

(1998 Code, § 38-43) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-120

§ 131.14 PEEPING OR SPYING INTO STRUCTURE OCCUPIED AS DWELLING.

If any person enters upon the property of another and secretly or furtively peeps, spies, or attempts 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, such person shall be punished pursuant to § 131.99. (1998 Code, § 38-44) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-130

§ 131.15 ENTERING PREMISES OF ANOTHER FOR PURPOSE OF DAMAGING PROPERTY OR INTERFERING WITH ITS USE.

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 its contents or in any manner to interfere with the rights of its owner, user or the occupant to use such property free from interference. (1998 Code, § 38-45) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-121

§ 131.16 TRESPASS AT NIGHT UPON ANY CEMETERY.

If any person, without the consent of the owner, proprietor, or custodian, goes or enters 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 or her family, he or she shall be punished pursuant to § 131.99. (1998 Code, § 38-46) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-125

§ 131.17 PULLING DOWN FENCES OR LEAVING GATES OPEN.

If any person shall, without permission of the owner, pull down the fence of another and leave the fence down or, without permission, open and leave open the gate of another, or any gate across a public road established by order of court, such person shall be punished pursuant to § 131.99. (1998 Code, § 38-47) Penalty, see § 131.99

Statutory reference:

Similar provisions, see VA Code § 18.2-143

§ 131.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Petit larceny, as defined in § 131.01, shall be punishable as a class 1 misdemeanor. (1998 Code, § 38-31)

(C) Any person convicted for the first time of an offense under § 131.02, when the value of the goods or merchandise involved in the offense is less than \$200, shall be punished as for a class 1 misdemeanor.

(1998 Code, § 38-32)

(D) Any person violating the provisions of § 131.03 shall be confined in jail not less than 30 days nor more than 12 months.

(1998 Code, § 38-33)

(E) Any person violating the provisions of § 131.04 shall, for the first conviction, be guilty of a class 1 misdemeanor.

(1998 Code, § 38-34)

(F) Any person violating the provisions of § 131.05(A) shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-35)

(G) Any person violating the provisions of § 131.06 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-36)

(H) Any person violating the provisions of § 131.07 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-37)

(I) Any person violating the provisions of § 131.08 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-38)

(J) Any person violating the provisions of § 131.09 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-39)

(K) Any person violating the provisions of § 131.12 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-42)

(L) Any person violating the provisions of § 131.13 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-43)

(M) Any person violating the provisions of § 131.14 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-44)

(N) Any person violating the provisions of § 131.15 shall be guilty of a class 1 misdemeanor.

(1998 Code, § 38-45)

(O) Any person violating the provisions of § 131.16 shall be guilty of a class 4 misdemeanor.

(1998 Code, § 38-46)

(P) Any person violating the provisions of § 131.17 shall be guilty of a class 4 misdemeanor.

(1998 Code, § 38-47)

CHAPTER 132: OFFENSES INVOLVING FRAUD

Section

- 132.01 Calling or summoning ambulance or firefighting apparatus without just cause; maliciously activating fire alarms in public buildings; venue
- 132.02 Unlawful operation of coin box telephone, parking meter, vending machine
- 132.03 Untrue, deceptive, or misleading advertising
- 132.04 Defrauding restaurants

- 132.99 Penalty

§ 132.01 CALLING OR SUMMONING AMBULANCE OR FIREFIGHTING APPARATUS WITHOUT JUST CAUSE; MALICIOUSLY ACTIVATING FIRE ALARMS IN PUBLIC BUILDINGS; VENUE.

(A) Any person who without just cause calls or summons, by telephone or otherwise, any ambulance, or firefighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building used for public assembly or for other public use including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas, regardless of whether fire apparatus responds or not, shall be punished pursuant to § 132.99.

(B) A violation of this section may be prosecuted if the call or summons was made from the town or if the call or summons was received in the town.

(1998 Code, § 38-81) Penalty, see § 132.99

Statutory reference:

Similar provisions, see VA Code § 18.2-212

§ 132.02 UNLAWFUL OPERATION OF COIN BOX TELEPHONE, PARKING METER, VENDING MACHINE.

Any person who shall operate, cause to be operated, or attempt to operate or cause to be operated any coin box telephone, parking meter, vending machine, or other machine that operates on the coin-in-the-slot principle, whether of like kind or not, designed only to receive lawful coin of the United States of America, in connection with the use or enjoyment of telephone or telegraph service, parking privileges or any other service, or the sale of merchandise or other property, by means of a slug, or any false, counterfeit, mutilated, sweated, or foreign coin, or by any means, method, trick, or device whatsoever, not authorized by the owner, lessee, or licensee of such coin box telephone, parking meter, vending machine, or other machine, or who shall obtain or receive telephone or telegraph service, parking privileges, merchandise, or any other service or property from any such coin box telephone,

parking meter, vending machine, or other machines, designed only to receive lawful coin of the United States of America, without depositing in or surrendering to such coin box telephone, parking meter, vending machine, or other machine lawful coin of the United States of America to the amount required by the owner, lessee, or licensee of such coin box telephone, parking meter, vending machine, or other machine, shall be punished pursuant to § 132.99.

(1998 Code, § 38-82) Penalty, see § 132.99

Statutory reference:

Similar provisions, see VA Code § 18.2-179

§ 132.03 UNTRUE, DECEPTIVE, OR MISLEADING ADVERTISING.

(A) Any person who, with intent to sell or in anywise dispose of merchandise, securities, service, or anything offered by such person, directly or indirectly, to the public for sale or distribution, or with intent to increase their consumption, or to induce the public in any manner to enter into any related obligation or to acquire title or any interest, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, blueprint, map, tag, bill, label, circular, pamphlet, or letter or in any other way, an advertisement of any sort regarding merchandise, securities, service, land, lot, or anything so offered to the public, which advertisement contains any promise, assertion, representation, or statement of fact that is untrue, deceptive, or misleading, or uses any other method, device, or practice which is fraudulent, deceptive, or misleading to induce the public to enter into any obligation, shall be punished pursuant to § 132.99.

(B) The terms **UNTRUE**, **DECEPTIVE**, and **MISLEADING**, as used in this section, shall be construed as including:

(1) The advertising in any manner by any person of any goods, wares, or merchandise as bankrupt stock, receiver's stock, or trustee's stock, or any sale as an insurance, fire-damaged, water-damaged, or going-out-of business sale, or any other sale generally known as a distress sale, if such stock contains any goods, wares, or merchandise put in stock subsequent to the date of the purchase by such advertiser of such stock, and if such advertisement of any such stock fails to set forth the fact that such stock contains other goods, wares, or merchandise put in stock, subsequent to the date of the purchase by such advertiser of such stock, in type as large as the type used in any other part of such advertisement, including the caption, it shall be a violation of this section; and

(2) The use of any writing or document which appears to be but is not in fact a negotiable check, negotiable draft, or other negotiable instrument, notwithstanding the fact that its nonnegotiability is indicated on the writing or document.

(1998 Code, § 38-83) Penalty, see § 132.99

Statutory reference:

Similar provisions, see VA Code § 18.2-216

§ 132.04 DEFRAUDING RESTAURANTS.

(A) It shall be unlawful for any person to obtain food from a restaurant or other eating house and, without having an express agreement for credit, to procure food or entertainment without paying for such food or entertainment and with intent to cheat or defraud the owner or keeper of such restaurant or eating house out of the pay for such food or entertainment.

(B) This section shall apply only if the value of service, credit, or benefit procured or obtained is less than \$200.

(1998 Code, § 38-84) Penalty, see § 132.99

Statutory reference:

Similar provisions, see VA Code § 18.2-188

§ 132.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating the provisions of § 132.01 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-81)

(C) Any person violating the provisions of § 132.02 shall be deemed guilty of a class 3 misdemeanor.
(1998 Code, § 38-82)

(D) Any person violating the provisions of § 132.03 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-83)

(E) Any person who violates any provision of § 132.04 shall be guilty of a class 1 misdemeanor.
(1998 Code, § 38-84)

CHAPTER 133: OFFENSES INVOLVING HEALTH AND SAFETY

Section

- 133.01 Failing to secure medical attention for injured child
- 133.02 Expectorating in public places
- 133.03 Inhaling drugs or other noxious chemical substances or causing others to do so
- 133.04 Burning
- 133.05 Abandoned or discarded refrigerators or other airtight containers
- 133.06 Duty of persons causing well or pit to be dug to fill it before abandonment
- 133.07 Unsanitary conditions prohibited
- 133.08 Throwing or depositing certain substances upon highway; removal of such substances
- 133.09 Willfully discharging firearms in public places

- 133.99 Penalty

§ 133.01 FAILING TO SECURE MEDICAL ATTENTION FOR INJURED CHILD.

Any parent or other person having custody of a minor child, which child shows evidence of need for medical attention as the result of physical injury inflicted by an act of any member of the household, whether the injury was intentional or unintentional, who knowingly fails or refuses to secure prompt and adequate medical attention, or who conspires to prevent the securing of such attention, for such minor child shall be punished pursuant to § 133.99; provided, that any parent or other person having custody of a minor child that is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not for that reason alone be considered in violation of this section.

(1998 Code, § 38-116) Penalty, see § 133.99

Statutory reference:

Similar provisions, see VA Code § 18.2-314

§ 133.02 EXPECTORATING IN PUBLIC PLACES.

No person shall spit, expectorate, or deposit any sputum, saliva, mucus, or any form of saliva or sputum upon the floor, stairways, or upon any part of any public building or place where the public assembles, or upon the floor of any part of any public conveyance, or upon any sidewalk abutting on any public street, alley, or lane of the town.

(1998 Code, § 38-117) Penalty, see § 133.99

Statutory reference:

Similar provisions, see VA Code § 18.2-322

§ 133.03 INHALING DRUGS OR OTHER NOXIOUS CHEMICAL SUBSTANCES OR CAUSING OTHERS TO DO SO.

(A) It shall be unlawful, except under the direction of a practitioner as defined in VA Code § 54.1-3401, for any person deliberately to smell or inhale any drugs or any other noxious chemical substances including, but not limited to, fingernail polish or model airplane glue, containing any ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons or vapors, with the intent to become intoxicated, inebriated, excited, stupefied, or to dull the brain or nervous system.

(B) It shall be unlawful for any person, other than one duly licensed, deliberately to cause, invite, or induce any person to smell or inhale any drugs or any other noxious substances or chemicals containing any ketone, aldehydes, organic acetates, ether, chlorinated hydrocarbons, or vapors with the intent to intoxicate, inebriate, excite, stupefy, or to dull the brain or nervous system of such person. (1998 Code, § 38-118) Penalty, see § 133.99

Statutory reference:

Similar provisions, see VA Code § 18.2-264

§ 133.04 BURNING.

(A) It shall be unlawful and punished pursuant to § 133.99 for any person to burn, cause to be burned, or allow to be burned on any property in this town any rubber, rubber product, automobiles, trucks, or their parts, or any other product, material, or substance, the burning of which causes noxious or offensive odors, noxious or offensive fumes, or noxious or offensive smoke.

(B) No person shall kindle or ignite, or cause to be kindled or ignited, or maintain any open fire in any public or private place outside any building except under the following circumstances:

(1) Open fires may be set in performance of an official duty or by any public health or safety officer if the fire is necessary for one or more of the following reasons or purposes:

(a) For the prevention of a fire hazard that can be abated by no other means;

(b) For the instruction of public firefighters or industrial employees under the supervision of the Fire Marshal of the town; or

(c) For the protection of public health.

(2) Fires may be used for cooking of food, provided there is no smoke violation, and provided no other nuisance is created.

(3) Salamanders or other devices may be used for heating by construction and other workers, provided there is no smoke violation, and provided no other nuisance is created.

(1998 Code, § 38-119) Penalty, see § 133.99

Statutory reference:

Regulating or prohibiting the making of fires, see VA Code § 15.2-1118

§ 133.05 ABANDONED OR DISCARDED REFRIGERATORS OR OTHER AIRTIGHT CONTAINERS.

(A) It shall be unlawful for any person 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 that is airtight without first removing the doors or hinges from such icebox, refrigerator, container, device, or equipment.

(B) This section shall not apply to any icebox, refrigerator, container, device, or equipment that 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.

(1998 Code, § 38-120) Penalty, see § 133.99

Statutory reference:

Similar provisions, see VA Code § 18.2-319

§ 133.06 DUTY OF PERSONS CAUSING WELL OR PIT TO BE DUG TO FILL IT BEFORE ABANDONMENT.

(A) Any person who has caused to be dug on his or her own land or the land of another any well or pit shall fill such well or pit with earth so that the well or pit shall not be dangerous to human beings, animals, or fowls before such well or such pit is abandoned; and any person owning land whereon any such well or pit is located shall in the same manner fill with earth any such well or pit that has been abandoned, provided such person has knowledge of the existence of such well or pit.

(B) In the case of mining operations in lieu of filling the shaft or pit the owner or operator on ceasing operations in such shaft or pit shall securely fence the shaft or pit and keep the shaft or pit at all times thereafter securely fenced.

(1998 Code, § 38-121) Penalty, see § 133.99

Statutory reference:

Similar provisions, see VA Code § 18.2-316

§ 133.07 UNSANITARY CONDITIONS PROHIBITED.

It shall be unlawful for any person to permit any noxious, unsanitary, or offensive matter, stagnant water, or other substance that is or might be injurious to the public health to be or remain on such person's property or in such person's possession or control.

(1998 Code, § 38-122) Penalty, see § 133.99

§ 133.08 THROWING OR DEPOSITING CERTAIN SUBSTANCES UPON HIGHWAY; REMOVAL OF SUCH SUBSTANCES.

(A) No person shall throw or deposit or cause to be deposited upon any highway 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 material 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 punished pursuant to § 133.99.

(B) This section shall not apply to the use, by a law enforcement officer while in the discharge of official duties, of any device designed to deflate tires.
(1998 Code, § 38-123) Penalty, see § 133.99

Statutory reference:

Similar provisions, see VA Code § 18.2-324

§ 133.09 WILLFULLY DISCHARGING FIREARMS IN PUBLIC PLACES.

If any person willfully discharges or causes to be discharged any firearm in any street in the town, or in any place of public business or place of public gathering, such person shall be punished pursuant to § 133.99. This section shall not apply to any law enforcement officer in the performance of his or her official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of life or property or is otherwise specifically authorized by law.

(1998 Code, § 38-124) Penalty, see § 133.99

Statutory reference:

Similar provisions, see VA Code § 18.2-280

§ 133.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating the provisions of § 133.01 shall be deemed guilty of a class 1 misdemeanor.

(1998 Code, § 38-116)

(C) A violation of § 133.02 shall constitute a class 4 misdemeanor.

(1998 Code, § 38-117)

(D) (1) Any person violating the provisions of § 133.03(A) shall be guilty of a class 1 misdemeanor.

(2) Any person violating the provisions of § 133.03(B) shall be guilty of a class 2 misdemeanor.

(1998 Code, § 38-118)

(E) (1) Any person violating the provisions of § 133.04(A) shall be deemed guilty of a class 2 misdemeanor.

(2) Any violation of the provisions of § 133.04(B) shall constitute a class 3 misdemeanor.

(1998 Code, § 38-119)

(F) Any violation of the provisions of § 133.05 shall constitute a class 3 misdemeanor.

(1998 Code, § 38-120)

(G) Any person violating any provision of § 133.06 shall be deemed guilty of a class 3 misdemeanor.
(1998 Code, § 38-121)

(H) A violation of § 133.07 shall be a class 1 misdemeanor.
(1998 Code, § 38-122)

(I) Any person violating any provision of § 133.08 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-123)

(J) Any person violating any provision of § 133.09 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-124)

CHAPTER 134: OFFENSES INVOLVING MORALS AND DECENCY

Section

- 134.01 Causing or encouraging acts rendering children delinquent, abused
- 134.02 Profane swearing and intoxication in public
- 134.03 Use of profane, threatening or indecent language over public airways
- 134.04 Bawdy places
- 134.05 Obscene defined; obscene items enumerated; production, publication, sale, possession of obscene items
- 134.06 Indecent exposure

- 134.99 Penalty

§ 134.01 CAUSING OR ENCOURAGING ACTS RENDERING CHILDREN DELINQUENT, ABUSED.

(A) Any person 18 years of age or older, including the parent of any child, who:

- (1) Willfully contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected; or
- (2) Engages in consensual sexual intercourse with a child 15 or older not his or her spouse, child, or grandchild.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUSED OR NEGLECTED CHILD. Any child:

(a) Whose parents or other person responsible for his or her care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions;

(b) Whose parents or other person responsible for his or her care neglects or refuses to provide care necessary for his or her health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall, for that reason alone, be considered to be an ***ABUSED OR NEGLECTED CHILD***;

(c) Whose parents or other person responsible for his or her care abandons such child;

(d) Whose parents or other person responsible for his or her care commits or allows to be committed any sexual act upon a child in violation of the law; or

(e) Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis.

ADULT. A person 18 years of age or older.

CHILD IN NEED OF SERVICES. A child whose behavior, conduct, or condition presents or results in a serious threat to the well-being and physical safety of the child; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a **CHILD IN NEED OF SERVICES**, nor shall any child who habitually remains away from or habitually deserts or abandons his or her family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional, or sexual abuse in the home be considered a **CHILD IN NEED OF SERVICES** for that reason alone. However, to find that a child falls within these provisions, the conduct complained of must present a clear and substantial danger to the child's life or health; or the child or his or her family is in need of treatment, rehabilitation, or services not presently being received, and the intervention of the court is essential to provide the treatment, rehabilitation, or services needed by the child or his or her family.

CHILD IN NEED OF SUPERVISION.

(a) A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and that meet the child's particular educational needs, and the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success; or

(b) A child who, without reasonable cause and without the consent of his or her parent, lawful custodian, or placement authority, remains away from or habitually deserts or abandons his or her family or lawful custodian, or escapes or remains away without proper authority from a residential care facility in which he or she has been placed by the court, and such conduct presents a clear and substantial danger to the child's life or health; the child or his or her family is in need of treatment, rehabilitation, or services not presently being received; and the intervention of the court is essential to provide the treatment, rehabilitation, or services needed by the child or his or her family.

CHILD, JUVENILE, or MINOR. A person less than 18 years of age.
(1998 Code, § 38-156) Penalty, see § 134.99

Statutory reference:

Similar provisions, see VA Code § 18.2-371

§ 134.02 PROFANE SWEARING AND INTOXICATION IN PUBLIC.

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, such person shall be punished pursuant to § 134.99.

(1998 Code, § 38-157) Penalty, see § 134.99

Statutory reference:

Similar provisions, see VA Code § 18.2-388

§ 134.03 USE OF PROFANE, THREATENING, OR INDECENT LANGUAGE OVER PUBLIC AIRWAYS.

If any person shall use obscene, vulgar, profane, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass any person, over any telephone or citizens band radio in the town, such person shall be punished pursuant to § 134.99.

(1998 Code, § 38-158) Penalty, see § 134.99

Statutory reference:

Similar provisions, see § 18.2-427

§ 134.04 BAWDY PLACES.

(A) It shall be unlawful and punishable pursuant to § 134.99 for any person to keep any bawdy place, or to reside in or at or visit, for immoral purposes, any bawdy place.

(B) For the purposes of this section, **BAWDY PLACE** shall mean any place, within or without any building or structure, within this town that is used or is to be used for lewdness, assignation, or prostitution. The term shall include but shall not be limited to every house of prostitution, house of ill fame, house of assignation, and brothel.

(C) In a prosecution for a violation of this section, the general reputation of the place may be proved.

(1998 Code, § 38-159) Penalty, see § 134.99

Statutory reference:

Similar provisions, see VA Code § 18.2-347

§ 134.05 OBSCENE DEFINED; OBSCENE ITEMS ENUMERATED; PRODUCTION, PUBLICATION, SALE, POSSESSION OF OBSCENE ITEMS.

(A) Obscene means that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex; that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political, or scientific value.

(B) Obscene items shall include:

(1) Any obscene book;

(2) Any obscene leaflet, pamphlet, magazine, booklet, picture, painting, bumper sticker, drawing, photograph, film, negative, slide, motion picture, videotape recording; or

(3) Any obscene figure, object, article, instrument, novelty device, or recording or transcription used or intended to be used in disseminating any obscene song, ballad, words, or sounds.

(C) It shall be unlawful for any person knowingly to:

(1) Prepare any obscene item for the purposes of sale or distribution;

(2) Print, copy, manufacture, produce, or reproduce any obscene item for purposes of sale or distribution;

(3) Publish, sell, rent, lend, transport in intrastate commerce, or distribute or exhibit any obscene item, or offer to do any of these things; or

(4) Have in his or her possession with intent to sell, rent, lend, transport, or distribute any obscene item. Possession in public or in a public place of any obscene item shall be deemed prima facie evidence of a violation of this division (C). For the purposes of this division (C), **DISTRIBUTE** means delivery in person, by mail, messenger, or by any other means by which obscene items may pass from one person to another.

(D) It shall be unlawful for any person knowingly to expose, place, display, post up, exhibit, paint, print, or mark, or cause to be exposed, placed, displayed, posted, exhibited, painted, printed, or marked, in or on any building, structure, billboard, wall, or fence, or on any street, or in or upon any public place, any placard, poster, banner, bill, writing, or picture that is obscene, or that advertises or promotes any obscene item proscribed in division (B) above or any obscene exhibition or performance, or knowingly to permit any of these items to be displayed on property belonging to or controlled by him or her.

(E) It shall be unlawful for any person knowingly to hire, employ, use, or permit any minor to do or assist in doing any act or thing constituting an offense under this section.

(1998 Code, § 38-160) Penalty, see § 134.99

Statutory reference:

Similar provisions, see VA Code §§ 18.2-372, 18.2-373, 18.2-374, 18.2-377, 18.2-379, and 18.2-380

§ 134.06 INDECENT EXPOSURE.

Every person who intentionally makes an obscene display or exposure of his or her person, or his or her private parts in any public place, or in any place where others are present, or procures another to so expose himself or herself, shall be punished pursuant to § 134.99. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.

(1998 Code, § 38-161) Penalty, see § 134.99

Statutory reference:

Similar provisions, see VA Code § 18.2-387

§ 134.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating the provisions of § 134.01(A) shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-156)

(C) Any person violating the provisions of § 134.02 shall be deemed guilty of a class 4 misdemeanor.
(1998 Code, § 38-157)

(D) Any person violating the provisions of § 134.03 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-158)

(E) Any person violating the provisions of § 134.04 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-159)

(F) Any person convicted for the first time of an offense under § 131.05 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-160)

(G) Any person violating the provisions of § 131.06 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 38-161)

CHAPTER 135: OFFENSES AGAINST PEACE AND ORDER

Section

General Provisions

- 135.01 Disorderly conduct in public places
- 135.02 Abusive language
- 135.03 Obstructing free passage of others
- 135.04 Resisting or obstructing execution of legal process

Riots and Unlawful Assemblies

- 135.20 What constitutes
- 135.21 Participation in
- 135.22 Remaining at scene after warning to disperse
- 135.23 Dispersal

- 135.99 Penalty

GENERAL PROVISIONS

§ 135.01 DISORDERLY CONDUCT IN PUBLIC PLACES.

(A) A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he or she:

(1) In any street, highway, public building, or while in or on a public conveyance or public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed;

(2) Willfully 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 Town Council or a division or agency of the town, or of any school, literary society, or place of religious worship, if the disruption prevents or interferes with the orderly conduct of the meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

(3) Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption prevents or interferes

with the orderly conduct of the operation or activity or has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

(B) However, the conduct prohibited under divisions (A)(1), (A)(2), or (A)(3) above shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter.

(C) The person in charge of any such building, place, conveyance, meeting, operation, or activity may eject 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.

(1998 Code, § 38-191) Penalty, see § 135.99

Statutory reference:

Similar provisions, see VA Code § 18.2-415

§ 135.02 ABUSIVE LANGUAGE.

If any person shall, in the presence or hearing of another, curse or abuse such other person, or use any violent, abusive language to such person concerning himself or any of his or her relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, such person shall be punished pursuant to § 135.99.

(1998 Code, § 38-192) Penalty, see § 135.99

Statutory reference:

Similar provisions, see VA Code § 18.2-416

§ 135.03 OBSTRUCTING FREE PASSAGE OF OTHERS.

Any person who in any public place or on any private property open to the public unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such 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 punished pursuant to § 135.99 Nothing in this section shall be construed to prohibit lawful picketing.

(1998 Code, § 38-193) Penalty, see § 135.99

Statutory reference:

Similar provisions, see VA Code § 18.2-404

§ 135.04 RESISTING OR OBSTRUCTING EXECUTION OF LEGAL PROCESS.

Every person acting jointly or in combination with any other person to resist or obstruct the execution of any legal process shall be punished pursuant to § 135.99.

(1998 Code, § 38-195) Penalty, see § 135.99

Statutory reference:

Similar provisions, see VA Code § 18.2-409

RIOTS AND UNLAWFUL ASSEMBLIES

§ 135.20 WHAT CONSTITUTES.

(A) Any unlawful use, by three or more persons acting together, of force or violence that seriously jeopardizes the public safety, peace, or order is a **RIOT**.

(B) Whenever three or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act of unlawful force or violence likely to jeopardize seriously public safety, peace, or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an **UNLAWFUL ASSEMBLY**.

(1998 Code, § 38-216) Penalty, see § 135.99

Statutory reference:

Similar provisions, see VA Code §§ 18.2-405 and 18.2-406

§ 135.21 PARTICIPATION IN.

Every person who participates in any riot or unlawful assembly shall be punished pursuant to § 135.99.

(1998 Code, § 38-217) Penalty, see § 135.99

Statutory reference:

Similar provisions, see VA Code §§ 18.2-405 and 18.2-406

§ 135.22 REMAINING AT SCENE AFTER WARNING TO DISPERSE.

Every person, except the owner or lessee of the premises, such person's family and non-rioting guests, and public officers and persons assisting them, who remains at the place of any riot or unlawful assembly, after having been lawfully warned to disperse, shall be punished pursuant to § 135.99.

(1998 Code, § 38-218) Penalty, see § 135.99

Statutory reference:

Similar provisions, see VA Code § 18.2-407

§ 135.23 DISPERSAL.

(A) (1) When any number of persons, whether armed or not, are unlawfully or riotously assembled, the police officials shall go among the persons assembled, or as near to them as safety will permit, and command them, in the name of the state, to immediately disperse.

(2) If upon such command the persons unlawfully assembled do not disperse immediately, the police officials may use such force as is reasonably necessary to disperse them and to arrest those who fail or refuse to disperse.

(3) To accomplish this end, the police officials may request and use the assistance and services of private citizens.

(B) Every endeavor shall be used by the police officials, which can be made consistently with the preservation of life, to induce or force persons unlawfully assembled to disperse before an attack is made upon those unlawfully assembled by which their lives may be endangered.

(C) No liability, criminal or civil, shall be imposed upon any person authorized to disperse or assist in dispersing a riot or unlawful assembly for any action of such person that was taken after those rioting or unlawfully assembled had been commanded to disperse, and which action was reasonably necessary, under all the circumstances, to disperse such riot or unlawful assembly or to arrest those who failed or refused to disperse.

(1998 Code, § 38-219)

Statutory reference:

Similar provisions, see VA Code §§ 18.2-411 and 18.2-412

§ 135.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating any provision of § 135.01 shall be deemed guilty of a class 1 misdemeanor.

(1998 Code, § 38-191)

(C) Any person violating any provision of § 135.02 shall be deemed guilty of a class 3 misdemeanor.

(1998 Code, § 38-192)

(D) Any person violating any provisions of § 135.03 shall be deemed guilty of a class 1 misdemeanor.

(1998 Code, § 38-193)

(E) Any person violating any provisions of § 135.04 shall be deemed guilty of a class 1 misdemeanor.

(1998 Code, § 38-195)

(F) Any person violating any provisions of § 135.21 shall be deemed guilty of a class 1 misdemeanor.

(1998 Code, § 38-217)

(G) Any person violating any provisions of § 135.22 shall be deemed guilty of a class 3 misdemeanor.

(1998 Code, § 38-218)

CHAPTER 136: OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE

Section

136.01 Obstructing justice

136.02 Falsely summoning or giving false reports to law enforcement officials

136.99 Penalty

§ 136.01 OBSTRUCTING JUSTICE.

(A) If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the state, witness, or any law enforcement officer in the performance of his or her 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 state, witness, or law enforcement officer, he or she shall be punished pursuant to § 136.99.

(B) If any person, by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the state, witness, or any law enforcement officer, lawfully engaged in his or her duties as such, or to obstruct or impede the administration of justice in any court, he or she shall be punished pursuant to § 136.99.

(1998 Code, § 38-251) Penalty, see § 136.99

Statutory reference:

Similar provisions, see VA Code § 18.2-460

§ 136.02 FALSELY SUMMONING OR GIVING FALSE REPORTS TO LAW ENFORCEMENT OFFICIALS.

It shall be unlawful for any person to knowingly give a false report as to the commission of any crime to any law enforcement official with intent to mislead, or without just cause and with intent to interfere with the operations of any law enforcement official, to call or summon any law enforcement official by telephone or other means, including engagement or activation of an automatic emergency alarm.

(1998 Code, § 38-252) Penalty, see § 136.99

§ 136.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed

shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person violating any provisions of § 136.01(A) shall be deemed guilty of a class 2 misdemeanor.

(2) Any person violating any provisions of § 136.01(B) shall be deemed to be guilty of a class 1 misdemeanor.
(1998 Code, § 38-251)

(C) Violation of the provisions of § 136.02 shall be punishable as a class 1 misdemeanor.
(1998 Code, § 38-252)

CHAPTER 137: OFFENSES INVOLVING FIRE PREVENTION AND PROTECTION

Section

- 137.01 Impersonation
- 137.02 Damage or injury to Fire Department equipment or personnel
- 137.03 Unlawful boarding or tampering with fire and rescue vehicles
- 137.04 Unlawful use of fire or rescue apparatus, equipment, and the like within town
- 137.05 Allowing fire to spread to land of another
- 137.06 Carelessly damaging property by fire
- 137.07 Refusal to obey orders of a fire or rescue officer
- 137.08 Prohibited parking within a designated fire lane; unauthorized use

- 137.99 Penalty

§ 137.01 IMPERSONATION.

It shall be unlawful and punished pursuant to § 137.99 for any unauthorized person to use a badge, uniform or any other credentials, so as to gain access to any building, marine vessel, vehicle, or premises, or to otherwise falsely identify himself or herself as the Fire Marshal or his or her designated representative.

(1998 Code, § 22-19) (Ord. O-2013-04, passed 4-2-2013) Penalty, see § 137.99

§ 137.02 DAMAGE OR INJURY TO FIRE DEPARTMENT EQUIPMENT OR PERSONNEL.

It shall be unlawful and punished pursuant to § 137.99 for any person to damage or deface, or attempt or conspire to damage or deface any fire or rescue vehicle belonging to the County Department of Fire and Rescue or a volunteer company at any time, or to injure, or attempt to injure or conspire to injure fire and rescue personnel while such personnel are in the performance of their duties.

(1998 Code, § 22-20) (Ord. O-2013-04, passed 4-2-2013) Penalty, see § 137.99

§ 137.03 UNLAWFUL BOARDING OR TAMPERING WITH FIRE AND RESCUE VEHICLES.

It shall be unlawful and a punished pursuant to § 137.99 for any person, without proper authorization from the fire or rescue officer in charge of said vehicle, to cling to, attach himself or herself to, climb upon or into, board, or swing upon any fire or rescue vehicle, whether such vehicle is in motion or at rest, or to sound any warning device thereon, or to manipulate, tamper with, or destroy or attempt to manipulate, tamper with, or destroy any lever, valve, switch, starting device, brake, pump,

or any equipment, protective clothing, or tool, on or a part of such vehicle.
(1998 Code, § 22-21) (Ord. O-2013-04, passed 4-2-2013) Penalty, see § 137.99

§ 137.04 UNLAWFUL USE OF FIRE OR RESCUE APPARATUS, EQUIPMENT, AND THE LIKE WITHIN TOWN.

(A) It shall be unlawful and punished pursuant to § 137.99 for any person to operate or cause to be operated upon a public highway or street in the town any vehicle or equipment used, intended to be used, or designated to be used for the purpose of fighting fires or responding to emergency incidents, unless the use of such vehicle or equipment is authorized by the county.

(B) This section shall not apply to the operation of firefighting vehicles or rescue equipment owned by any fire or rescue company outside of the county when such vehicle or equipment is traveling in or through the town for parade or other non-firefighting purposes or in response to a call from the county's public safety communications center.
(1998 Code, § 22-22) (Ord. O-2013-04, passed 4-2-2013) Penalty, see § 137.99

§ 137.05 ALLOWING FIRE TO SPREAD TO LAND OF ANOTHER.

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 or her own, whereby the property of another is damaged or jeopardized, shall be punished pursuant to § 137.99 and shall be liable for the full amount of all expenses incurred in fighting the fire.
(1998 Code, § 22-23) (Ord. O-2013-04, passed 4-2-2013) Penalty, see § 137.99

§ 137.06 CARELESSLY DAMAGING PROPERTY BY FIRE.

If any person shall 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 or she shall be punished pursuant to § 137.99 and shall be liable for the full amount of all expenses incurred in fighting the fire.
(1998 Code, § 22-24) (Ord. O-2013-04, passed 4-2-2013) Penalty, see § 137.99

§ 137.07 REFUSAL TO OBEY ORDERS OF A FIRE OR RESCUE OFFICER.

(A) Any person or persons refusing to obey the orders of the officer in charge at an incident scene shall be punished pursuant to § 137.99.

(B) Any officer in charge at an incident scene shall have the power to make arrests for violation of the provisions of this section.

(C) Any person neglecting to obey any order of an officer in charge of an incident scene shall upon conviction of such offense, be punished pursuant to § 137.99.
(1998 Code, § 22-25) (Ord. O-2013-04, passed 4-2-2013) Penalty, see § 137.99

§ 137.08 PROHIBITED PARKING WITHIN A DESIGNATED FIRE LANE;

UNAUTHORIZED USE.

(A) Notwithstanding the provisions found in §§ 13-324 and 13-325 of the County Code, it shall be unlawful for any person to park a vehicle within a designated fire lane. In any prosecution under this section, proof that the vehicle described in the complaint, summons, or warrant was parked in violation of this code, together with proof that the defendant was at the time of such prohibited parking the registered owner of the vehicle, shall constitute a prima facie evidentiary presumption that such registered owner of the vehicle was the person who parked the vehicle at the place and at the time such violation occurred. In addition, the vehicle parked in violation of this section may be impounded by the County Police Department and held until the penalty provided and the towing and storage charges incurred are paid. This section shall be enforced by the County Fire Marshal's office and the County Police Department.

(B) It shall be unlawful for any person, firm, or corporation to otherwise obstruct, stage, or store devices, equipment, or materials, or use any designated fire lane without authorization from the fire official.
(1998 Code, § 22-26) (Ord. O-2013-04, passed 4-2-2013) Penalty, see § 137.99

§ 137.99 PENALTY.

(A) Any person violating any provisions of § 137.01 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 22-19)

(B) Any person violating any provisions of § 137.02 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 22-20)

(C) Any person violating any provisions of § 137.03 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 22-21)

(D) Any person violating any provisions of § 137.04 shall be deemed guilty of a class 2 misdemeanor.
(1998 Code, § 22-22)

(E) Any person violating any provisions of § 137.05 shall be deemed guilty of a class 1 misdemeanor.
(1998 Code, § 22-23)

(F) Any person violating any provisions of § 137.06 shall be deemed guilty of a class 4 misdemeanor.
(1998 Code, § 22-24)

(G) (1) Any person violating any provisions of § 137.07(A) shall be deemed guilty of a class 4 misdemeanor.

(2) Any person violating any provisions of § 137.07(B) shall be fined not to exceed \$100.
(1998 Code, § 22-25)

(G) (1) Unless otherwise specified in this chapter, any person, firm, or corporation who shall violate any of the sections of this chapter, or any provisions of the Fire Prevention Code adopted in accordance with this chapter, shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this chapter, and shall, upon conviction, be punishable as a class 1 misdemeanor.

(2) A violation of this chapter shall be construed to be an infringement, breach, or failure to comply with any provision of this chapter or any order made thereunder, or any act of building in violation of any detailed statement, specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or any failure to comply with such an order within the time fixed therein.

(3) Each day that a violation continues after a service of notice as provided for in this code shall be deemed a separate offense.
(1998 Code, § 22-27)
(Ord. O-2013-04, passed 4-2-2013)