

## Chapter 20

### MISCELLANEOUS OFFENSES AND PROVISIONS\*

**Charter reference** - Authority for city to provide for the suppression of houses of ill-fame, the prevention of vagrancy, the prevention and quelling of riots, disturbances and disorderly assemblages and the prevention of dangerous conduct in the street, Section 2.04(a).

**Cross references** - Antidiscrimination, ch. 5; certain court costs in criminal and traffic cases, Section 9-2.

#### **Sec. 20-1. Discharge of firearms.**

It shall be unlawful for any person, without necessity, to fire or discharge in the city any gun, pistol or other firearm of any kind; provided, that this section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

(Code 1975, Section 17-1)

**Charter reference** - Authority for city to regulate or prohibit the discharge of firearms, Section 2.04(n).

**State law references** - Discharging firearms in public places, Code of Virginia. Section 18.2-280.

#### **Sec. 20-2. Assault and battery.**

Any person who shall commit a single assault or assault and battery shall be punished as provided in section 1-9.

(Code 1975, Section 17-7)

#### **Sec. 20-3. Disorderly conduct.**

- (a) A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:
  - (1) In any street, highway, public building, or while in or on a public conveyance, or public place engages in conduct have a direct tendency to cause acts of violence by the person at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under the provisions of Code of Virginia, title 18.2; or
  - (2) Willfully or being intoxicated, whether willfully or not, disrupts any meeting of the city council or a division of the agency thereof, or of any school, literary society or place of religious worship, if such disruption prevents or interferes with the orderly conduct of such meeting or has a direct tendency to cause acts of violence by the person at whom, individually, such disruption is directed; provided, however, such conduct shall not be deemed to include utterance or display of any words or to include any conduct otherwise made punishable under the provisions of Code of Virginia, title 18.2.
- (b) The person in charge of any such building, place, conveyance or meeting may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any person who may be called upon for such purpose.
- (c) A person violating any provision of this section shall be subject to the maximum penalty provided in the charter.

(Code 1975, Section 17-8)

**Charter reference** - Authority for city to provide for the prevention of lewd and disorderly conduct or exhibitions, Section 2.04(a).

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

**Sec. 20-4. Disturbing public meeting.**

Any person willfully disturbing any meeting of persons assembled at any performance, exhibition, lecture or other thing not forbidden by law or any person disturbing any meeting lawfully assembled in any room within the city shall be guilty of a misdemeanor.  
(Code 1975, Section 17-10)

**Sec. 20-5. Noise.**

- (a) *Generally.* It shall be unlawful for any person to create any unreasonably loud, disturbing and unnecessary noise in the city, and noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.
- (b) *Sound trucks.* No sound truck or other device or medium for amplifying sound shall be operated or be permitted to operate within the city for advertising purposes or to attract the attention of the public, where the sound therefrom is transmitted from, to, in or over any public thoroughfare, park or other public place; provided, however, that this subsection shall not prohibit the use of such sound amplification for disseminating religious or political messages or information concerning civic, recreational and other matters of general public interest if permission is first obtained therefore from the city manager. Such permission shall be given only if the proposed sounds will be consistent with the peace, good order and general welfare of the inhabitants of the city. The city manager shall enforce such reasonable rules as to such uses as shall be established by the city council.

(Code 1975, Section 17-11)

**Cross reference** - Motor vehicles and traffic, ch. 22.

**Sec. 20-6. Hindering access, departure from certain premises.**

Any person who in any public place or on any private property open to the public hinders or prevents the full and unimpeded access to or departure from any store, dwelling, church, hotel or place of business, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00.

(Code 1975, Section 17-13)

**Sec. 20-7. Destroying, damaging property.**

The unauthorized, intentional destruction or damaging of any property, real or personal, of another, whether the property of the city or of any other person shall be unlawful.

(Code 1975, Section 17-17)

**Sec. 20-8. Placing advertisements on certain property.**

Any person who shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, utility pole or tree any painted, written, printed or other advertisement, bill, notice, sign or poster without having first obtained the written permission of the owner thereof shall be guilty of a misdemeanor; provided, however, that this section shall not be construed to permit such painting, sticking, branding, stamping, putting or writing upon any paved street or sidewalk in the city.

(Code 1975, Section 17-19)

**Cross reference** - Signs, ch. 29.

**Sec. 20-9. Trespass after having been forbidden to do so; penalties.**

- (a) If any person without authority of law goes upon or remains 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 posted by such person or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place where it may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Code of Virginia, Section 16.1-253, 16.1-253.1, 16.1-279.1, or an ex parte order issued pursuant to Code of Virginia, Section 20-103, and after having been served with such order, he shall be punished as provided in section 1-9. This subsection shall not be construed to affect in any way the provisions of Code of Virginia, Section 18.2-132 through 18.2-136.
- (b) Any person who shall, within the limits of the city, enter the dwelling house of another uninvited and without the consent of an occupant thereof shall be guilty of a class 1 misdemeanor.
- (c) Any unauthorized person who shall, within the limits of the city, enter upon the premises of another and try the doors or windows of the dwelling house of another, without the consent of an occupant thereof, shall be guilty of a class 1 misdemeanor.

(Code 1975, Section 17-20)

**State law references**-Burglary, Code of Virginia, Section 18.2-89; trespass to realty, Code of Virginia, Section 18.2-119 et seq.

**Sec. 20-10. Use of city property without authority.**

It shall be unlawful for any person to go upon or remain upon any property, title to which is in either the city or school board of the city, for the purpose of using or attempting to use the same as a place of public assemblage or congregation without such person first securing the written permission to do so from the city manager or from such other official or employee of the city as the city council may designate. Such permission shall be given only if the proposed use of such property will be consistent with the peace, good order and general welfare of the inhabitants of the city.

(Code 1975, Section 17-21)

**Sec. 20-11. Interfering with city officers, employees.**

It shall be unlawful for any person to resist, abuse, obstruct or hinder any officer or employee of the city in the discharge of his duty.

(Code 1975, Section 17-22)

**Sec. 20-12. 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, he shall be deemed guilty of a class 4 misdemeanor.

(Code 1975, Section 17-28)

**Charter reference**-Authority for city to provide for the prevention of drunkenness, Section 2.04 (a).

**State law reference**-Similar provisions, Code of Virginia, Section 18.2-388.

**Sec. 20-13. Punishment for using abusive language to another.**

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 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.  
(Code 1975, Section 17-29)

**State law reference**-Similar provisions, Code of Virginia, Section 18.2-416.

#### **Sec. 20-14. Petit larceny.**

Any person who:

- (1) Commits larceny from the person of another of money or other thing of value of less than \$5.00; or
- (2) Commits simple larceny not from the person of another of goods and chattels of the value of less than \$200.00;

shall be deemed guilty of petit larceny, which shall be punishable as provided in section 1-9.

(Code 1975, Section 17-34)

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

#### **Sec. 20-15. Shoplifting.**

- (a) Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise:
  - (1) Willfully conceals or takes possession of the goods or 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) Conceals, assists, aids or abets another in the performance of any of the above acts;

shall be deemed guilty of larceny and upon conviction thereof shall be punished as provided in subsection (b) of this section. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof, shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise.

- (b) Any person convicted for the first time of an offense under subsection (a) of this section, when the value of the goods or merchandise involved in the offense is less than \$200.00, shall be punished as provided in section 1-9.
- (c) Any person who has been convicted of violating the provisions of subsection 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 subsection (a) of this section. Such costs shall be limited to actual expenses, including the base wage of one employee acting as a witness for the state and suit costs. Provided, however, the total amount of allowable costs granted hereunder shall not exceed \$250.00, excluding the retail value of the goods and merchandise.

- (d) A merchant, agent or employee of the merchant, who causes the arrest or detention of any person pursuant to the provisions of subsection (a) of this section or section 20-14, 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 merchant, 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.

(Code 1975, Section 17-35)

**State law reference**-Similar provisions, Code of Virginia, Section 18.2-103 et seq.

**Sec. 20-16. Begging.**

It shall be unlawful for any person to beg or solicit alms in any of the streets, sidewalks or public places within the city.

(Code 1975, Section 17-37)

**Sec. 20-17. Taking, tendering alcoholic drink in public place.**

If any person shall take a drink of alcoholic beverages or shall tender a drink thereof to another, whether accepted or not, at or in any public place, he shall be guilty of a misdemeanor; provided, however, that the provisions of this section shall not be construed to prevent any person from drinking alcoholic beverages, or tendering a drink thereof to another, in any place that is permitted under Code of Virginia, title 4, chapter 1 (Section 4-1 et seq.).

(Code 1975, Section 17-39)

**Sec. 20-18. Possession or consumption of alcoholic beverages in city parks.**

If any person, in or upon the grounds of any city park, shall take a drink of any alcoholic beverage or have in his possession any alcoholic beverage or any beverage in any container labeled as an alcoholic beverage, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined up to \$100.00. As used in this section, the term "alcoholic beverage" shall have the meaning set forth in Code of Virginia, Section 4-2.

(Code 1975, Section 17-39.1)

**Cross reference**-Parks and recreation, ch. 24.