

CHAPTER 10
OFFENSES –MISCELLANEOUS
ARTICLE I. IN GENERAL

Section 10-1. Attempt to commit misdemeanor.

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, except as otherwise specifically provided.

Section 10-2. Causing or encouraging minors to commit misdemeanors, etc.

Any person eighteen (18) years of age or older, including the parent of any child, who shall cause or encourage any child under the age of eighteen (18) years to commit any misdemeanor, or who shall send or cause any such child to go into any place for an unlawful purpose, or who shall in any way subject any such child to vicious or immoral influences, or who shall induce, cause, encourage or contribute toward the dependency, neglect or delinquency of any such child, shall be guilty of a Class 1 misdemeanor. When the offense consists of having or attempting to have intercourse with any female child under the age of eighteen (18) years, the fact that such female was not of previous chaste character or had been married may be shown in mitigation.

Section 10-3. Obstructing justice.

If any person, by threats or force, attempts to intimidate or impede a judge, magistrate, justice, juror, witness or an officer of a court, or any law-enforcement officer, in the discharge of his duty, or to obstruct or impede the administration of justice in any court, he shall be deemed to be guilty of a Class 1 misdemeanor.

Section 10-4. Joint action to resist or obstruct execution of legal process.

Every person acting jointly or in combination with any other person to resist or obstruct the execution of any legal process shall be guilty of a Class 1 misdemeanor.

Section 10-5. Interfering with, etc., town officers and employees.

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

Section 10-6. Impersonation of town officers and employees.

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

Section 10-7. Town property - Tampering with, etc., personal property generally.

No person shall, without proper authority, knowingly use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any books, records, furniture, equipment, gear, apparatus, tools or other items of personal property belonging to, leased to or used by the town or any agency thereof. As to prohibition against use of Town-owned personal property for private purposes, see§ 2-7 of this code.

Section 10-8. Same - Damage, etc., to and trespass upon real property.

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

Section 10-9. Calling ambulance or fire-fighting apparatus without cause; maliciously activating fire alarm in public building.

Any person who, without just cause therefor, calls or summons, by telephone or otherwise, any ambulance or fire-fighting 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 deemed guilty of a Class 1 misdemeanor.

Section 10-10. Assault and battery.

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

Section 10-11. Abusive language.

If any person shall, in the presence or hearing of another, in the presence or hearing of another, curse, or abuse such person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language under circumstances reasonable calculated to provoke a breach of the peace, he shall be guilty of a Class 3 misdemeanor.

Section 10-11. Disorderly conduct generally.

A person is guilty of disorderly conduct and a Class 1 misdemeanor if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person:

- (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; provided, however, such conduct shall not be deemed to include conduct otherwise made punishable under other provisions of this chapter; or
- (2) Willfully, or being intoxicated, whether willfully or not, disrupts any meeting of the town council or a division thereof, or of any school 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 or persons at whom, individually, such disruption is directed; provided, however, such conduct shall not be deemed to include conduct otherwise made punishable under this chapter.

The person in charge of any such building, place, conveyance or meeting may eject there from 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.

Section 10-14. Disorderly houses.

Any building or place in which persons are allowed to assemble and, by swearing, quarreling or like conduct, to disturb and annoy the neighborhood, shall be deemed a nuisance. No person shall knowingly own, occupy, maintain, conduct or lease any such building or place.

Section 10-15. Obstructing free passage of others.

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

Section 10-16. Loitering.

No aggregation of two (2) or more persons shall loiter in front of private doors, churches, business houses, upon the railings of bridges or in any public place in such manner as to disturb the peace or quiet of the neighborhood, annoy or interfere with others lawfully present or passing by or to constitute a threat to the safety or welfare of others.

Section 10-17. Public profanity.

If any person shall profanely curse or swear in public he shall be deemed guilty of a Class 4 misdemeanor.

Section 10-18. Public drunkenness.

If any person shall be drunk in public he shall be deemed guilty of a Class 4 misdemeanor.

Section 10-19. Prostitution generally.

Any person who, for money or its equivalent, commits adultery or fornication, or offers to commit adultery or fornication and thereafter does any substantial act in furtherance thereof, shall be guilty of being a prostitute, or prostitution, which shall be a Class 1 misdemeanor.

Section 10-20. Loitering or solicitation for prostitution.

No prostitute, as defined in section 10-19, shall loiter or solicit upon the streets or in any public place within the town at any time.

Section 10-21. Bawdy places.

- (a) It shall be unlawful and a Class 1 misdemeanor for any person to keep any bawdy place, or to reside in or at or visit, for immoral purposes, any bawdy place. Each and every day such bawdy place shall be kept, resided in or visited shall constitute a separate offense. In a prosecution under this section, the general reputation of the place may be proved.
- (b) As used in this section, the term "bawdy place" shall mean any place, within or without any building or structure, which is used or is to be used for lewdness, assignation or prostitution.

Section 10-22. Aiding prostitution or illicit sexual intercourse.

It shall be unlawful and a Class 1 misdemeanor for any person or any officer, employee or agent of any firm, association or corporation, with knowledge of, or good reason to believe, the immoral purpose of such visit, to take or transport or assist in taking or transporting, or offer to take or transport, on foot or in any way, any person to a place, whether within or without any building or structure, used or to be used for the purpose of lewdness, assignation or prostitution, or to procure or assist in procuring, for the purpose of illicit sexual intercourse, or to give any information or direction to any person with intent to enable such person to commit an act of prostitution.

Section 10-23. Using vehicle to promote prostitution or unlawful sexual intercourse.

It shall be unlawful and a Class 1 misdemeanor for any owner or chauffeur of any vehicle, with knowledge or reason to believe the same is to be used for such purpose, to use the same or to allow the same to be used for the purpose of prostitution or unlawful sexual intercourse, or to aid or promote such prostitution or unlawful sexual intercourse by use of any such vehicle.

Section 10-24. Massage or bath administered by person of opposite sex.

- (a) It shall be unlawful for any person to operate any establishment, regardless of whether it is a public or private facility, as a massage salon, Turkish, Russian or medicated bath parlor or any similar type business, where any physical contact with the recipient of any bath, massage or similar service is made by a person of the opposite sex. It shall likewise be unlawful for any person to render any such service, in such establishment, to a person of the opposite sex.
- (b) This section shall not apply to a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the state, or to a licensed nurse acting under the direct prescription and direction of any such physician, surgeon, chiropractor or osteopath. Also, this section shall not apply to barbershops or beauty parlors in which massage is given to the scalp, the face, the neck or the shoulders.
- (c) Any person who shall violate the provisions of this section shall be guilty of a Class 4 misdemeanor.

Section 10-25. Fraudulent use of pay phones, parking meters and other coin-operated machines.

- (a) No person 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 of any false, counterfeit, mutilated, sweated or foreign coin, or by any means, methods, trick or device whatsoever, not authorized by the owner, lessee or licensee of such coin box telephone, parking meter, vending machine or other machine.
- (b) No person 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 machine, 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 therefor required by the owner, lessee or licensee of such coin box telephone, parking meter, vending machine, or other machine.
- (c) Any person violating this section shall be deemed guilty of a Class 3 misdemeanor.

Section 10-26. Petit larceny.

Any person who:

- (1) Commits larceny from the person of another of money or other things of value of less than five dollars (\$5.00); or
- (2) Commits simple larceny, not from the person of another, of goods and chattels of the value of less than two hundred dollars (\$200.00), shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

Section 10-27. 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 thereof out 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, or
 - (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 be deemed guilty of larceny and, upon conviction thereof, shall be punished as provided in 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 fade 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 this section, when the value of the goods or merchandise involved in the offense is less than two hundred dollars (\$200.00), shall be punished as for a Class 1 misdemeanor.
- (c) Any person convicted of an offense under this section, when the value of the goods or merchandise involved in the offense is less than two hundred dollars (\$200.00), and it is alleged in the warrant 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 state for a like offense, regardless of the value of the goods or merchandise involved in the prior conviction, shall be confined in jail not less than thirty (30) days nor more than twelve (12) months.
- (d) A merchant, agent or employee of the merchant, who causes the arrest of any person pursuant to the provisions of 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, whether such arrest 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 of such person, the merchant, agent or employee of the merchant, had, at the time of such arrest, probable cause to believe that the person had shoplifted or committed willful concealment of goods or merchandise. For the purposes of this subsection, "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.

Section 10-28. Damaging, interfering with, etc., property generally.

No person shall, knowingly and without proper authority, use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any property, real or personal, public or private, not belonging to such person.

Section 10-29. Injuring, tampering with, etc., vehicles, aircraft, etc.

- (a) Any person who shall, individually or in association with one or more others, willfully break, injure, tamper with, or remove any part or parts of, any vehicle, aircraft, boat or vessel, for the purpose of injuring, defacing or destroying such vehicle, aircraft, boat or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat or vessel, or who shall in any other manner

willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat or vessel, shall be guilty of a Class 1 misdemeanor.

- (b) Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, climb into or upon such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad with intent to commit any crime malicious mischief or injury thereto, or who, while a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or the warrant 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 state for a like offense, regardless of the value of the goods or merchandise involved in the prior conviction, shall be confined in jail not less than thirty (30) days nor more than twelve (12) months.
- (d) A merchant, agent or employee of the merchant, who causes the arrest of any person pursuant to the provisions of 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, whether such arrest 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 of such person, the merchant, agent or employee of the merchant, had, at the time of such arrest, probable cause to believe that the person had shoplifted or committed willful concealment of goods or merchandise. For the purposes of this subsection, "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.

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No person shall, knowingly and without proper authority, use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any property, real or personal, public or private, not belonging to such person.

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- (a) Any person who shall, individually or in association with one or more others, willfully break, injure, tamper with, or remove any part or parts of, any vehicle, aircraft, boat or vessel, for the purpose of injuring, defacing or destroying such vehicle, aircraft, boat or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat or vessel, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat or vessel, shall be guilty of a Class 1 misdemeanor.
- (b) Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, climb into or upon such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad with intent to commit any crime malicious mischief or injury thereto, or who, while a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to such vehicle, aircraft, boat, vessel, locomotive, or other rolling stock of a railroad in motion, with the intent to commit any crime, malicious mischief or injury thereto, shall be guilty of a Class 1 misdemeanor. This subsection 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.

- (c) The provisions of this section shall not apply to a bona fide repossession of a vehicle, aircraft, boat or vessel by the holder of a lien thereon or by the agents or employees of such Lineholder.

Section 10-30. Posting notices, signs, etc., on property of another.

No person shall put up any notice or advertisement or brand or mark any signs, letters or characters upon any building, wall or fence or other property of another person without having first obtained the consent of the owner of such property.

Section 10-31. Posting notices, posters, etc., on trees, poles, etc., in street.

No person shall attach in any way any poster, notice or any advertisement of any kind to any utility pole, meter post or tree in or along any street within the town.

Section 10-32. Entering or remaining on property of another after having been forbidden to do so.

If any person shall, without authority of law, go upon or remain upon the lands, building or premises of another, or any part, 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 signs posted on such lands, buildings or premises, or part, portion or area thereof, at places where they may be reasonably seen, such person shall be guilty of a Class 1 misdemeanor.

Section 10-33. Instigating, etc., trespass by others; preventing service to persons not forbidden on premises.

If any person shall solicit, urge, encourage, exhort, instigate or produce another or others to go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian or other person lawfully in charge thereof, or knowing such other person or persons to have been forbidden to do so by a sign posted on such lands, buildings, premises or part, portion or area thereof at a place where it may reasonably be seen; or if any person shall, on such lands, buildings, premises or part, portion or area thereof, prevent or seek to prevent the owner, lessee, custodian, person in charge or any of his employees from rendering service to any person not so forbidden, he shall be deemed guilty of a Class 1 misdemeanor.

Section 10-34. Peeping toms.

If any person shall unlawfully enter upon the property of another, in the nighttime, and secretly or furtively peep through or attempt to so peep, into or through or spy 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 be permanently situated or transportable and whether or not such occupancy be permanent or temporary, such person shall be guilty of a Class 1 misdemeanor.

Section 10-35. Unlawful entry on church or school property.

It shall be unlawful for any person, without the consent of some person authorized to give such consent, to go or enter upon, in the nighttime, the premises or property of any church or upon any school property for any purposes other than to attend a meeting or service held or conducted in such church or school property. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

Section 10-36. Entering premises of another for purpose of damaging property or interfering with Section its use.

It shall be unlawful and a Class 1 misdemeanor 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.

Section 10-37. Littering.

No person shall sweep, throw or otherwise deposit in or on any street or sidewalk or on private premises any animal or fowl carcass, rubbish, paper, handbills, dirt, filth, shavings, manure, offal, ashes, vegetables, fruit, broken glass, tacks, tin cans or any other articles or substance or refuse matter of any kind, or any matter or substance or thing calculated to render the streets unclean or unsightly or unsafe for any person or vehicle using such street, or matter, substance or thing liable to affect injuriously the health of the community.

Section 10-38. Spitting on floors, etc., of public buildings or conveyances or on sidewalks.

It shall be unlawful and a Class 4 misdemeanor for any person to spit or expectorate upon the floor, stairway or any other part of any public building or place where the public assembles, or upon any sidewalk within the town.

Section 10-39. Accumulation of trash, garbage, etc., or growth of weeds.

- (a) It shall be unlawful for the owner of any property within the town to permit the accumulation thereon of any trash, garbage, refuse, litter or other substances which might endanger the health or safety of other residents of the town or the growth thereon of any weeds, Johnson grass or other noxious plants to a height of twelve (12) inches or more.
- (b) The owners of property in the town shall, at such time or times as the town council may prescribe, remove there from any and all trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town; and they may, whenever the town council deems it necessary, and after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the town removed by agents or employees of the town, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.
- (c) The owners of property in the town shall cut the grass, weeds and other noxious plants on such property or any part thereof at such time or times as the town council shall prescribe; and they may, whenever the town council deems it necessary after reasonable notice, have such grass, weeds or other foreign growth cut by agents or employees of the town, in which event the cost and expenses thereof shall be chargeable to and paid by the owner or owners of such property and may be collected by the town as taxes and levies are collected. The rate for mowing of private lots by the town shall be twenty dollars (\$20.00) for the first hour and fifteen dollars (\$15.00) for each additional hour.
- (d) Every charge authorized by this section with which the owner of any property shall have been assessed and which remains unpaid shall constitute a lien against such property in favor of the town.

Section 10-40. Insect, reptile and rodent prevention.

All persons within the town shall prevent the accumulation on the property they occupy of matter of any kind that would be a breeding or harboring place for flies, insects, reptiles or rodents.

Section 10-41. Open storage of inoperative vehicles in certain zoning districts.

- (a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure, on any property zoned for residential, commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in section 46.1-1 of the Code of Virginia, the condition of which is such that it is economically impractical to make it operative, or which does not bear a current license plate or a valid state inspection certificate or sticker.
- (b) The owners of residential, commercial or agricultural property shall, at such time or times as the council may prescribe, remove there from any such vehicles, trailers or semitrailers described above that are not kept within a fully enclosed building or structure.
- (c) The town police may remove motor vehicles, trailers or semitrailers as hereinabove described whenever the owner of the premises, after reasonable notice, has failed to do so. In the event any such motor vehicle, trailer or semitrailer is so removed, the town council may dispose of the same, after giving additional notice to the owner of the vehicle.
- (d) 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 and levies are collected. Every such cost 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 cost shall have been made to the town.
- (e) Motor vehicles and other vehicles, as described in section 46.1-45 of the Code of Virginia, shall be exempt from the requirements of subsection (a) above requiring a current license plate or valid state inspection certificate or sticker, but shall meet all other requirements of this section.

Section 10-42. Abandoned or discarded refrigerators and 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 (2) 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.
- (b) 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.
- (c) Any violation of the provisions of this section shall constitute a Class 3 misdemeanor.

ARTICLE II. GAMBLING

Section 10-43. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings ascribed to them in this section:

Gambling device. A “gambling device” includes:

- (1) Any device, machine, paraphernalia, equipment or other thing, including books, records and other papers, which are actually used in an illegal gambling operation or activity, and
- (2) Any machine, apparatus, implement, instrument contrivance, board or other thing, including but not limited to those dependent upon the insertion of a coin or other object for their

operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determines the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape or color, shall not be deemed gambling devices.

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

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

Operator. An “operator” includes any person who conducts, finances, manages, supervises, directs or owns all or part of an illegal gambling enterprise, activity of operation.

Section 10-44. Illegal gambling generally.

Except as otherwise provided in this article, any person who illegally gambles shall be guilty of a Class 3 misdemeanor. If an association or pool of persons illegally gamble, such person therein shall be guilty of illegal gambling.

Section 10-45. Permitting gambling to continue in one’s premises.

If the owner, lessee, tenant, occupant or other person in control of any place or conveyance knows, or reasonably should know, that it is being used for illegal gambling, and permits such gambling to continue without having notified a law-enforcement officer of the presence of such illegal gambling activity, he shall be guilty of a Class 1 misdemeanor.

Section 10-46. Aiding or abetting operation of illegal gambling activity.

Any person, other than those persons specified in other sections of this article, who knowingly aids, abets or assists in the operation of an illegal gambling activity shall be guilty of a Class 2 misdemeanor.

Section 10-47. Manufacture, sale, possession, etc., of gambling devices.

It shall be unlawful for any person to manufacture, sell, transport, rent, give away, place or possess any gambling device or conduct or negotiate any transaction affecting or designed to affect ownership, custody or use of any gambling device, believing or having reason to believe that the same is to be used in the advancement of any illegal gambling activity. A violation of any provision of this section shall constitute a Class 1 misdemeanor.

Section 10-48. Forfeiture of money, gambling devices, etc. seized from illegal gambling enterprise.

All money, gambling devices, office equipment and other personal property used in connection with an illegal gambling enterprise or activity, and all money, stakes and things of value received or proposed to be received by a winner in any illegal gambling transaction, which are lawfully seized by any town

police officer or which shall lawfully come into his custody, shall be forfeited to the town by order of the court in which a conviction under this article is obtained. Such court shall order all money so forfeited to be paid over to the town and by order, shall make such disposition of other property so forfeited as the court deems proper, including award of such property to any town or state agency or charitable organization for lawful purposes, or in case of the sale thereof, the proceeds therefrom to be paid over to the town. Such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law.

Section 10-49. Certain acts not deemed “consideration” in prosecution under article.

In any prosecution under this article, no consideration shall be deemed to have passed or been given because of any person’s attendance upon the premises of another; his execution, mailing or delivery of an entry blank; his answering of questions, verbally or in writing; his witnessing of a demonstration or other proceeding; or any one of more thereof, where no charge is made to, paid by, or any purchase required of him in connection therewith.

Section 10-50. Exceptions from article - Contest of speed or skill.

- (a) Nothing in this article shall be construed to prevent any contest of speed or skill between men, animals, fowl or vehicles, where participants may receive prizes or different percentages of a purse, stake or premium dependent upon whether they win or lose or dependent upon their position or score at the end of such contest.
- (b) Any participant who, for the purpose of competing for any such purse, stake or premium offered in any such contest, knowingly and fraudulently enters any contestant, other than the contestant purported to be entered, or knowingly and fraudulently enters a contestant in a class in which he or it does not belong shall be guilty of a Class 3 misdemeanor.

Section 10-51. Same - Games of chance in private residences.

Nothing in this article shall be construed to make it illegal to participate in a game of chance conducted in a private residence, provided such private residence is not commonly used for such games of chance and there is no operator, as defined in section 10-42.

Section 10-52. Same - Bingo games and raffles permitted by state law.

Nothing in this chapter shall apply to any bingo game or raffle conducted pursuant to and in accord with the provisions of sections 18.2-340.1 through 18.2-340.12 of the Code of Virginia.

ARTICLE III. WEAPONS

Section 10-53. Carrying concealed weapons.

- (a) If any person carries about his person, hid from common observation, any pistol, or any other firearm or weapon, designed or intended to propel missile of any kind, dirk, bowie knife, switchblade knife, razor, slingshot, metal knucks, or any weapon of like kind, or nun chahka or any other similar flailing instrument consisting of two (2) or more rigid parts connected in such a manner as to allow them to swing freely, which instrument may also be known as a “nunchuck” or nunchaku,” shuriken, fighting chain or any weapon of like kind, he shall be guilty of a Class 1 misdemeanor, and such weapon shall be forfeited to the town and may be seized by an officer as forfeited, and such as may be needed for police officers and conservators of the peace shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.
- (b) This section shall not apply to any person while in his own place of abode or the curtilage thereof or to any police officers, sergeants, sheriffs or deputy sheriffs.

- (c) This section shall not apply to any of the following individuals while in the discharge of their official duties:
- (1) Carriers of the United States mail in rural districts;
 - (2) Officers or guards of the penitentiary or other institutions or camps of the state corrections system;
 - (3) Conservators of the peace; except that the following conservators of the peace shall not be permitted to carry a concealed weapon unless a permit is obtained as provided by law: Notaries public, registrars; drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire.
- (d) This section shall not apply to any person who has been granted permission to carry a concealed weapon in accord with state law.

Section 10-54. Discharge of firearms.

No person shall discharge a firearm of any description within the town except in an agricultural district. This section shall not apply to members of any component of the armed forces of the United States or this state or to law-enforcement officers, acting in line of duty, nor shall it apply to persons lawfully acting in defense of life or property, nor shall it apply to persons lawfully engaged in maintained; nor shall it apply to the use of blank ammunition at athletic events, military funerals, theatrical performances or events of similar character.

Section 10-55. Throwing dangerous missiles; discharging airguns, gravel shooters, etc.

No person shall in any street, throw stones, sticks or other dangerous missiles, or discharge arrows, nails or bullets from a bow or crossbow, or anywhere within the town discharge shot, gravel, bullets or other similar substances from a gravel shooter, airgun, rifle or similar implement.

Section 10-56. Use of weapons in hunting.

The provisions of section 10-53 and 10-54 shall not be construed to prevent the use of rifles, shotguns or bows and arrows by persons lawfully engaged in hunting.

ARTICLE IV. UNLAWFUL ASSEMBLIES AND RIOTS

Section 10-57. Defined.

- (a) For the purposes of this article, any unlawful use, by three (3) or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace or public order in a riot.
- (b) For the purposes of this article, whenever three (3) or more persons assembled share the common intent to advance some lawful or unlawful purpose by the commission of an act or acts of unlawful force or violence likely seriously to jeopardize public safety, peace or order, and the assembly actually tends to inspire persons of ordinary with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly.

Section 10-58. Participation prohibited.

Every person who participates in any riot or unlawful assembly who did not carry, at the time of such riot or unlawful assembly, any firearm or other deadly or dangerous weapon, shall be guilty of a Class 1 misdemeanor.

Section 10-59. Remaining at scene after warning to disperse.

Every person, except the owner or lessee of the premises, his family and nonrioting guests, and public officers and persons assisting them, who remains at the place of any riot or unlawful assembly after having been lawfully warned to disperse shall be guilty of a Class 3 misdemeanor.

Section 10-60. Dispersal of unlawful of riotous assemblies.

- (a) When any number of persons, whether armed or not, unlawfully or riotously are assembled, the police officials of the town and such other public officers with authority so to do, or any of them, shall go among the persons assembled or as near to them as safety will permit and command them, in the name of the state, immediately to disperse. If upon such command the persons unlawfully assembled do not disperse immediately, the town police or other such officer may use such force as is reasonably necessary to disperse them and to arrest those who fail or refuse to disperse. To accomplish this end, any police or other law-enforcement officer may request and use the assistance and services of private citizens. Any private citizen who, by request seeks to assist the law-enforcement officer in dispersing persons unlawfully or riotously assembled shall immune from civil or criminal liability for using such reasonable force as may be necessary to arrest or disperse those persons who fail to disperse as ordered.
- (b) Every endeavor must be used, both by the town police or other officers and by the officer, commanding any other force, which can be made consistently with the preservation of life, to induce or force those unlawfully assembled to disperse before an attack is made upon them by which their lives may be endangered. If any of the persons so riotously or unlawfully assembled shall be killed, maimed or otherwise injured, in consequence of resisting the police or others in dispersing and apprehending them, or in attempting to disperse and apprehend them, such police and other officers and others acting by their authority, or the authority of any of them shall be held guiltless; provided, such killing, maiming or injury shall take place in consequence of the use of necessary and proper means to disperse or apprehend any such persons so riotously or unlawfully assembled.

ARTICLE V. OBSCENITY

The word "obscene," where it appears in this article, shall mean 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 thereof or sadasochistic 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.

Section 10-61. Obscene items enumerated.

For the purposes of this article, obscene items shall include:

- (1) Any obscene book; or
- (2) Any obscene leaflet, pamphlet, magazine, booklet, picture, painting, drawing, photograph, film, negative, slide, motion picture; 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.

Section 10-62. Production, publication, sale, possession, etc., of obscene items.

- (a) It shall be unlawful for any person to knowingly;
- (1) Prepare any obscene item for the purpose of sale or distribution; or
 - (2) Print, copy, manufacture, produce or reproduce any obscene item for purposes of sale or distribution; or
 - (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 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 section.
- (b) For the purposes of this section, “distribute” shall mean delivery in person, by mail or messenger or by any other means by which obscene items may pass from one person to another.

Section 10-63. Obscene exhibitions and performances generally.

It shall be unlawful for any person knowingly to

- (1) Produce, promote, prepare, present, manage, direct, carry on or participate in any obscene exhibition or performance, including the exhibition or performance of any obscene motion picture, play, drama, show, entertainment, exposition, tableau or scene; provided, that no employee of any person or legal entity operating a theatre, garden, building, structure, room or place which presents such obscene exhibition or performance shall be subject to prosecution under this section if the employee is not the manager of the theatre or an officer of such entity, and has no financial interest in such theatre other than receiving salary and wages; or
- (2) Own, lease or manage any theatre, garden, building, structure, room or place and lease, let, lend or permit such theatre, garden, building, structure, room or place to be used for the purpose of presenting such obscene exhibition or performance or to fail to post prominently therein the name and address of a person resident in the locality who is the manager of such theatre, garden, building, structure, room or place.

Section 10-64. Advertising obscene items, exhibitions or performance generally.

It shall be unlawful for any person to knowingly prepare, paint, publish or circulate, or cause to be prepared, printed, published or circulated, any notice or advertisement of any obscene item referred to in section 10-61 or of any obscene performance or exhibition referred to in section 10-63, stating or indicating where such obscene item, exhibition or performance may be purchased, obtained, seen or heard.

Section 10-65. Obscene placards, posters, bills, etc.

It shall be unlawful for any person to knowingly expose, place, display, post, exhibit, paint, print or mark, or cause to be exposed, placed, displayed, posted, exhibited, painted, printed or marked, in or on any building, structure, billboard wall or fence, or on any street, or in or upon any public place, any placard, poster, banner bill, writing or picture which is obscene or which advertises or promotes any obscene item referred to in section 10-61 or any obscene exhibition or performance referred to in section 10-63, or to knowingly permit the same to be displayed on property belonging to or controlled by him.

Section 10-66. Coercing acceptance of obscene articles or publications.

No person shall as a condition to any sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical or publication, require that the purchaser or consignee receive for resale any other article, book or other publication which is obscene; nor shall any person deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept such articles, books or publications, or by reason of the return thereof.

Section 10-67 Photographs, slides, and motion pictures.

Every person who knowingly:

- (1) Photographs himself or any other person for purposes of preparing an obscene film, photograph, negative, slide or motion picture for purposes of sale or distribution; or
- (2) Models, poses, acts or otherwise assists in the preparation of any obscene film, photograph, negative, slide or motion picture for purposes of sale or distribution; shall be guilty of a class 3 misdemeanor.

Section 10-68. Indecent exposure.

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

Section 10-69. Employing or permitting minor to assist in offense under article.

No person shall knowingly hire, employ, use or permit any minor to do or assist in doing any act or thing constituting an offense under this article.

Section 10-70. Exceptions from article.

Nothing contained in this article shall be construed to apply to:

- (1) The purchase, distribution, exhibition or loan of any book, magazine or other printed manuscript material by any library, school or institution of higher learning, supported by public appropriation.
- (2) The purchase, distribution, exhibition or loan of any work of art by any museum of fine art, school or institution of higher learning, supported by public appropriation.
- (3) The exhibition or performance of any play, drama, tableau or motion picture by any theatre, museum of fine arts, school or institution of higher learning, supported by public appropriation.

Section 10-71. Use of abusive, profane, etc. Language over the telephone.

No person shall curse or abuse anyone, or use vulgar, profane, threatening or indecent language over the telephone. It shall be the duty of each telephone company in the state to furnish immediately in response to a subpoena issued by a court of record such information as it, its officers and employees, may possess which in the opinion of the court, may aid in the apprehension of persons suspected of violating the provisions of this section. Any telephone company or any officer or employees thereof who shall fail or refuse to furnish such information when so requested, may be fined not more than Five Hundred (\$500.00) Dollars.

ARTICLE VI. MINORS

Section 10-72. Minors - Curfew.

It shall be unlawful for any parent, guardian or other adult person having the care, custody or control of any minor under the age of fifteen years to permit, allow or encourage such minor to become a loiterer or to remain on any street, road, avenue, alley, park or other public place in the town between the hours of 11:00 P.M. and daylight of the following day unless accompanied by such parent, guardian or other adult person.

It shall be unlawful for the proprietor, manager or other adult person having charge or control of any public place to permit, allow or encourage any minor under the age of fifteen years to become a loiterer or to remain in or around such place between the hours of 11:00 P.M. and daylight of the following day unless accompanied by the parent, guardian or other adult person having the care, custody or control of such minor.

It shall be unlawful for any minor under the age of fifteen years to loiter or remain on any street, road, avenue, alley, park or other public place in the town between the hours of 11:00 P.M. and daylight of the following day unless accompanied by the parent, guardian or other adult person having the care, custody or control of such minor.

Whenever any police or other officer charged with the duty of enforcing the laws of the state, the provisions of this Code or other ordinances of the town shall discover or shall have his attention called to the fact that any minor under the age of fifteen is on the street, road, avenue, alley, park or other public place in the town or is in any vehicle parked thereon between the hours of 11:00 P.M. and daylight of the following day and such minor is not accompanied by his parent, guardian or other adult person having the care, custody or control of such minor, such officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of such minor on such street, road, avenue, alley, park or other public place or in such vehicle is in violation of this section, then such officer shall cause such minor to be taken to the home or place of residence of such minor and such minor may be summoned to appear to be dealt with according with the provisions of the third paragraph of this section.

If such officer cannot contact a relative or other adult person having control over such minor and if after such investigation such officer shall have cause to believe that the actions of such minor are such as to constitute such minor a delinquent, dependent or neglected child, and if such minor cannot contact a relative bearing a good reputation or other person of good repute to exercise legal authority over such minor, then such officer shall place such minor in the custody of the jailor to be held and dealt with by the judge of the juvenile and domestic court in the manner prescribed by law.