

TITLE XIII: GENERAL OFFENSES

Chapter

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CHAPTER 130: OFFENSES AGAINST PUBLIC PROPERTY

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§ 130.01 ASSEMBLY OR PARADE PERMIT.

No organization or group or person shall use the streets, sidewalks or alleys of the town for the purpose of assembly or parade without a written permit from the Mayor. No organization or person or persons above the age of 16 years shall assemble or parade within the territorial limits of the town with their faces wholly or partially concealed from public view. (Prior Code, § 13-33)

§ 130.02 DESTROYING OR DAMAGING PROPERTY.

It shall be unlawful for any person to enter upon the private premises of any other person and remove, injure, destroy or deface any article of property belonging to any person, or to so remove, injure, destroy or deface such property, whether on the premises of the owner or in the public street. This section shall apply to both personal and real property. (Prior Code, § 13-4) Penalty, see § 10.99

§ 130.03 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 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; or

(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 governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption:

(a) Prevents or interferes with the orderly conduct of the meeting, or

(b) 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:

(a) Prevents or interferes with the orderly conduct of the operation or activity, or

(b) 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 division (A)(1), (2) or (3) shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under VA Code Title 18.2.

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

(D) A person violating any provision of this section shall be guilty of a Class 1 misdemeanor. (VA Code § 18.2-415)

§ 130.04 DISTURBING PUBLIC MEETINGS, CHURCHES AND THE LIKE.

Any person who shall be guilty of any disorderly conduct at any exhibition, public meeting or church in the town, or shall in any way disturb or annoy the audience or congregation shall be punished as provided in § 10.99 for each offense.

(Prior Code, § 13-6) Penalty, see § 10.99

§ 130.05 INDECENT EXPOSURE.

Every person who makes an obscene display or exposure of his or her person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself or herself, shall be guilty of a misdemeanor.

(Prior Code, § 13-7) Penalty, see § 10.99

§ 130.06 LOITERING IN AND OBSTRUCTING STREETS, PUBLIC PLACES AND THE LIKE.

(A) No person shall loiter, lounge or sleep in or upon any street, park or public place or in any public building, or obstruct the access to any public building or any parking lot, park or other public place.

(B) For the purpose of this section, the term *LOITER* shall encompass, but shall not necessarily be limited to, 1 or more of the following acts:

(1) Obstruction of the free, unhampered passage of pedestrians or vehicles;

(2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place.

(3) Remaining idle in essentially 1 location without being able to establish having a legitimate business or purpose in so remaining idle, or by general conduct, exhibiting the absence of a lawful purpose in so remaining idle;

(4) Conduct involving the concept of standing idly by, loafing, walking about aimlessly without purpose and including the colloquial expression of hanging around; or

(5) Refusing to move on when so requested by a peace officer.

(C) For the purpose of this section, the term **OTHER PUBLIC PLACE** shall be deemed to include the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and shall include also any parking lots or other vacant private property not owned or under the dominion of the person charged with a violation of this section.

(Prior Code, § 13-8) Penalty, see § 10.99

§ 130.07 MINORS; FURNISHING CERTAIN WEAPONS OR TOBACCO TO MINORS.

If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under 18 years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him or her to be a minor under 18 years of age, or if any person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under 16 years of age cigarettes or tobacco in any form, having good cause to believe him or her to be a minor under 16 years of age, such person shall be guilty of a misdemeanor and be fined in an amount set by Council from time to time.

(Prior Code, § 13-9)

§ 130.08 NOISE; UNNECESSARY NOISE GENERALLY.

If any person shall, within the town, make any unnecessary noise reasonably calculated to annoy or alarm the citizens of the town, except in giving fire alarms, he or she shall, upon conviction, be punished as provided by § 10.99 for each offense.

(Prior Code, § 13-10) Penalty, see § 10.99

§ 130.09 OBSTRUCTING JUSTICE BY THREATS OR FORCE.

(A) It shall be unlawful for any person by threat of force to attempt to intimidate or impede the Mayor, a judge, witness or any police officer of a court, or any sergeant or any other peace officer, in the discharge of his or her duty, or to obstruct the administration of justice in any court.

(B) Any person violating this section shall be deemed to be guilty of a misdemeanor shall be punished as provided by § 10.99.

(Prior Code, § 13-12) Penalty, see § 10.99

§ 130.10 OFFICERS OF THE LAW; INTERFERING WITH DISCHARGE OF DUTY.

Any person who shall resist, obstruct or interfere with a sergeant, policeperson or other officer in the discharge of his or her duty shall be punished as provided by § 10.99 for each offense.

(Prior Code, § 13-13) Penalty, see § 10.99

§ 130.11 OFFICERS OF THE LAW; IMPERSONATING OFFICER.

Any person who shall falsely assume or exercise the functions, powers, duties and privileges incident to the office of sheriff, police officer, marshal or other peace officer, or who shall falsely assume or pretend to be any such officer, shall be deemed guilty of a misdemeanor.

(Prior Code, § 13-14) Penalty, see § 10.99

§ 130.12 PEEPING OR SPYING INTO DWELLINGS.

(A) It shall be unlawful for any person to enter upon the property of another, and secretly peep through or attempt to so peep, into, through, or spy through a window door or any other part of any

building, structure or other enclosure of any nature occupied or intended for occupancy as a dwelling, shelter or not such occupancy be permanent or temporary.

(B) Any such person committing any such acts shall be guilty of a misdemeanor, and, upon conviction, such person shall be punished as provided by § 10.99.

(Prior Code, § 13-15) Penalty, see § 10.99

§ 130.13 PETIT LARCENY.

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 \$100 shall be deemed guilty of petit larceny, which shall be punishable by a fine in an amount set by Council from time to time or confinement in jail not exceeding 12 months, or both, in the discretion of the judge trying the case.

(Prior Code, § 13-16)

§ 130.14 PRISONERS; RELEASING

If any person releases, or in any way attempts to release a prisoner while in the custody of an officer of this town, or releases or attempts to release any prisoner while in the town prison, he or she shall be punished as provided by § 10.99.

(Prior Code, § 13-20) Penalty, see § 10.99

§ 130.15 PUBLIC ADDRESS SYSTEMS; USE FOR ADVERTISING PURPOSES.

(A) It shall be unlawful for any person to use any public address system for advertising purposes on the streets of the town, except between the hours of 4:00 p.m. and 8:00 p.m.

(B) Anyone desiring to make such advertisements of any kind between the hours of 4:00 p.m. and 8:00 p.m., before making such advertisements, shall first obtain a permit from the Mayor or the Chief of Police stating definitely what he or she will advertise and the time that he or she wishes to advertise. Anyone violating the provisions of this section shall be deemed guilty of a misdemeanor.

(Prior Code, § 13-21) Penalty, see § 10.99

§ 130.16 REFRIGERATORS, ICEBOXES AND THE LIKE; ABANDONMENT, DISCARDING AND THE LIKE.

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 2 cubic feet of clear space which is airtight without first removing the door or hinges from such equipment or box. This section shall not apply to any icebox, refrigerator, or other container which is being used for the purpose for which it was originally designated, or is strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. A violation of this section shall be a misdemeanor.

(Prior Code, § 13-22) Penalty, see § 10.99

§ 130.17 SALE OF MERCHANDISE FROM VEHICLES.

It shall be unlawful to park any vehicle upon any street in a business district for the purpose of selling any merchandise from such vehicle. It is not the intent of this section to prohibit such sales from vehicles in commercial parking lots.

(Prior Code, § 13-32)

§ 130.218 SPITTING ON SIDEWALKS, FLOOR OR WALLS.

It shall be unlawful for any person to spit or expectorate on the sidewalks of the town or on the floor or walls of any public building of the town. (Prior Code, § 13-24) Penalty, see § 10.99

§ 130.19 TRESPASS; CEMETERY.

If any person, without the consent of the owner, proprietor or custodian, shall go or enter in the nighttime upon the premises, property, driveways or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member if his or her family, he or she shall be guilty of a trespass and upon conviction thereof shall be fined not more than \$25 dollars. (Prior Code, § 13-31)

§ 130.20 TRESPASS; UPON SCHOOL OR CHURCH PROPERTY AT NIGHT.

(A) 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 purpose other than to attend a meeting or service held or conducted in such church or school property.

(B) Any person violating the provisions of this section shall be guilty of trespass and upon conviction shall be fined in an amount set by Council from time to time. (Prior Code, § 13-25)

§ 130.21 UNLAWFUL ASSEMBLAGES.

It shall be unlawful between the hours of 12:00 a.m. and 6:00 a.m. for any person to assemble with 2 or more others, whether on foot or in motor vehicles,

or both, upon the streets or sidewalks, in service stations or parking areas, or other public, semipublic or business areas, of town, where such assemblage tends to:

(A) Result in the use of intemperate or profane language;

(B) Cause unnecessary noise;

(C) Disturb the rest of anyone;

(D) Disturb the peace; or

(E) Create a nuisance.

(Prior Code, § 13-26) Penalty, see § 10.99

§ 130.22 VAGRANTS; HOW DEALT WITH.

It shall be the duty of the police and other town officials to give information, under oath, to any officer empowered by law to issue criminal warrants, of all vagrants within the knowledge, or person whom they have good reason to suspect vagrants in the town. Thereupon, or upon the complaint of any person upon oath, the officer shall issue a warrant for the arrest of the person alleged to be a vagrant, and shall be brought before the judge of the town court, and upon conviction shall be punished as provided by § 10.99, but the court before which the case may be tried may permit such person so convicted to give bond with sufficient security, in an amount not exceeding \$500 nor less than \$100, conditioned upon his or her future industry and good conduct for 1 year. Upon giving such bond, such person shall be set at liberty without undergoing the punishment imposed by his or her conviction. It shall be sufficient defense to the charge of vagrancy under this section that the defendant has made reasonable, bona fide efforts to obtain employment at reasonable prices for his or her labor and has failed to obtain the same.

(Prior Code, § 13-28)

**§ 130.23 WEAPONS; GENERALLY;
CARRYING CONCEALED.**

(A) It shall be unlawful for any person within the town or within 1 mile thereof to carry about his or her person hid from common observation any pistol, dirk, Bowie knife, razor, sling shot, metal knucks, or any weapon of any kind; and upon conviction of such offense, such person shall be fined not less than \$20 nor more than \$500 and , in the discretion of the judge trying the case, may, in addition thereto, be committed to jail for not more than 12 months, and the weapon so carried shall be confiscated by the town.

(B) This section shall not apply to those persons permitted by law or by special permission of the circuit court to carry concealed weapons.
(Prior Code, § 13-29)

**§ 130.24 WEAPONS; DISCHARGING GUN IN
STREETS; FLYING KITES, THROWING
STONES AND THE LIKE IN STREETS AND
THE LIKE.**

(A) No person shall, in any street, fly kites, throw stones, balls, sticks, or other dangerous missiles, or discharge any gun, rifle, pistol or any other firearm, or discharge arrows, nails, or bullets from a crossbow or grit-shooter, or anywhere in the town discharge from a gravel-shooter or air-gun shot, bullets or other similar substance.

(B) The unlawful discharge of weapons or firearms within the town shall be subject to the person discharging such weapon or firearm to the penalties prescribed by § 10.99 and in the discretion of the court the weapon or firearm discharged must be confiscated and be used by the police department in official capacity or destroyed.
(Prior Code, § 13-30)

§ 130.25 BARMENT NOTICES.

The policy of the town police issuing barment notices on private property to such individuals as identified by private property owners is hereby ratified and authorized as a procedure to be utilized by the town police to ensure the health, safety and welfare of the citizens of the town.

(Res. 24, passed 11-17-1998)

CHAPTER 131: OFFENSES AGAINST PERSONS

Section

- 131.01 Assault and battery
- 131.02 Curfew

§ 131.01 ASSAULT AND BATTERY.

It shall be unlawful for any persons composing a mob, to commit a simple assault, or assault and battery, on the streets of the town or elsewhere in the town, or within 1 mile thereof.

(Prior Code, § 13-2) Penalty, see § 10.99

§ 131.02 CURFEW.

(A) *Purpose.* The Town of Clarksville hereby finds that the presence of minors during late night hours in public places, unsupervised by responsible adults, allows those minors to be exposed to corrupting influences and denies them an equal opportunity to develop into responsible citizens. In order to protect those minors, and in order to further the legitimate public safety of the public at large, a minor curfew is found to be in the public interest.

(B) *Definitions.* For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

ADULT. Any person at least 18 years of age.

LAWFUL ACTIVITY. Any activity which is not otherwise illegal, in which a minor acts with the knowledge and permission of a parent.

MINOR. Any person 17 years of age or under who has not been determined to be emancipated pursuant to VA Code §§ 16.1-331 *et seq.*

PARENT. Any person having legal custody of a minor as a natural or adoptive parent; as a legal guardian; as a person who stands in loco parentis; or as a person to whom legal custody has been granted by court order.

PUBLIC PLACE.

(a) A way or place open to the use of the public for the purpose of vehicular or pedestrian travel, including but not limited to rights-of-way; traffic lanes, curbs and sidewalks whether paved or unpaved; and any grass plots or grounds found, within the right-of-way; irrespective of what it is called or formally name, whether alley, avenue, court, road or otherwise.

(b) Shopping areas, parking lots, buildings, parks, places of amusement and similar structures or areas that are generally used by the public.

(C) *Presence of minors in public places prohibited at specific hours.*

(1) It shall be unlawful for any person under the age of 18 years to be on any street, road avenue, alley, park or other public place, or in or on a vehicle upon or around any public place or street or any place generally opened to the public, whether or not on private property in the Town of Clarksville between the hours of 11:00 p.m. and 5:00 a.m.

(2) This section shall not apply if the minor is:

(a) Accompanied by the parent, legal guardian, or other responsible adult having the care, custody, or control of the minors;

(b) Engaged in a lawful employment of going directly to the place of such employment or returning directly to the minor's place of residence;

(c) In possession of written permission by the parent or other adult person having the care, custody, or control of the minor to attend a specified engagement or performance which begins prior to 11:00 p.m., and ends either after 11:00 p.m. or so close to 11:00 p.m. that it is impractical for such minor to reach his or her residence by traveling in a prudent manner, and such minor is at present the engagement or performance or is proceeding directly to his or her place of residence upon the conclusion thereof;

(d) Attending an activity sponsored by a school or religious or civic organization, or going directly to his or her place of residence there from;

(e) On a legitimate emergency errand;

(f) Within 100 feet of his or her residence.

(D) *Penalties.*

(1) Any minor violating any provision of this section shall be guilty of a Class 4 misdemeanor as defined by the VA Code § 18.2-11(d).

(2) Second offense, shall be guilty of a class 3 misdemeanor as defined by the VA Code of Virginia § 18.2-11(c).

(3) Third offense, 3 or more violations, shall be guilty of a Class 2 misdemeanor as defined by the VA Code § 18.2-11(b).

(E) *Responsibility of adults.*

(1) It shall be unlawful for a parent of a minor knowingly to permit or by inefficient control to allow the minor to be in violation of this chapter. The term knowingly includes knowledge which a parent reasonably is expected to have concerning the whereabouts of a minor of whom the parent has legal custody. It shall be, a fortiori, no defense that a parent was indifferent to the activities or conduct or whereabouts of the minor.

(2) Any parent violating this section shall be guilty of a Class 4 misdemeanor as defined by the VA Code § 18.2-11(d).

(3) Second offense shall be guilty of a Class 3 misdemeanor as defined by the VA Code § 18.2-11(c).

(4) Third offense shall be guilty of a Class 2 misdemeanor as defined by the VA Code § 18.2-11(b).

(F) *Enforcement.*

(1) If any police officer reasonably believes that a person is in a public place in violation of this chapter, he or she shall notify the person that he or she is in violation and shall require his or her name, address, telephone number and proper identification, if any, and the manner in which his or her parent or parents can be contacted. The police officer shall use his or her best judgment in determining the age of the person and may consider any available evidence, including, but not limited to a birth certificate or driver's license. If the police officer determines that a person is in violation of this chapter, he or she shall take the person to police headquarters, and a parent shall be notified if possible.

(2) The police officer may instead deliver the minor to a parent of the minor at his or her home if it is reasonably convenient to do so during the exercise of his or her normal duties.

(3) When a parent has forthwith taken charge of the minor and the appropriate information has been recorded, the minor shall be released to the custody of the parent. If a parent cannot be located or fails to take charge of the minor child within a reasonable period of time, the minor may be released to some other adult who will assume, on behalf of a parent, the responsibility of supervising the minor pending the arrival of a parent. If no parent or adult can be located to take the responsibility of supervising the minor, the minor shall be turned over to the appropriate juvenile authorities.

(Ord. 13.34, passed 12-19-1995)

CHAPTER 132: POOL ROOMS

Section

- 132.01 Hours of operation
- 132.02 Requirements as to license
- 132.03 Minors

Alcoholic Beverage Control Acts; nor shall any minor under 16 years of age frequent, play in or loiter in any other public pool room or billiard room or his or her agent permit any minor to frequent, play in or loiter in any such place in violation of the foregoing provisions of this section.

§ 132.01 HOURS OF OPERATION.

All pool rooms shall close at 12:00 a.m. and remain closed until 6:00 a.m. the following day. (Prior Code, § 13-17)

(B) Any such minor or any such proprietor or agent violating the provision of this section shall be punished pursuant to § 10.99.

§ 132.02 REQUIREMENTS AS TO LICENSE.

Every person desiring to be licensed to operate a poolroom in the town shall annually, prior to March 11 of each year, make application in writing to the Town Treasurer setting forth the place at which the business shall be conducted and the name of the person proposing to conduct and operate the business; and thereupon, if the Council be of opinion, after investigation, that the place is a suitable place and that the person is fit to conduct the same, and that he or she will conform with all requirements of law concerning the conduct of the same, such committee shall approve such application, and upon presentation of such approved application and payment of the proper annual assessment, the Town Treasurer shall issue to such person a license to conduct the business at the place mentioned in the application. (Prior Code, § 13-18)

(C) But nothing in this section shall apply to any poolroom or billiard room located at a health resort with a natural mineral spring, nor to military or naval personnel in uniform in any poolroom or billiard room.

(D) The term **PUBLIC POOL ROOM** as used herein shall not be construed to include an establishment in which not more than 3 miniature pool tables that operate on the coin-in-the-slot principle are exclusively kept or played. (Prior Code, § 13-19) Penalty, see § 10.99

§ 132.03 MINORS.

(A) No minor shall frequent, play or loiter in any public poolroom or billiard room operated in conjunction with any establishment licensed under the

