

Chapter 110OFFENSES

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Revised/Re-codified 3-11-85 (Formerly Chapter 19 of the 1965 Code Section 19-17, 19-18, 19-18.1 "Disorderly Conduct on Public Conveyances, Public Streets, Public Meetings" amended 11-9-70 and consolidated into 19-17 on 3-12-84; 19-7.1 "Assault or Battery Upon Police Officials" was enacted 3-10-75, amended 7-9-79; 19-17 "Disorderly Conduct" amended 3-12-84; 19-34 "Pawnbrokers, Junk Dealers, Etc., Weekly Report" was enacted 10-11-48, amended entire section 1-26-81; 19-35 "Poolrooms, Gamerooms – Hours of Operation" amended entire section 10-10-83; 19-49 Added "Swimming Pools-Fence Required" 1-27-69. As part of the recodification 3-11-85 the following Sections were deleted: 19-2 "Adultery & Fornication"; 19-22 "Lewd & Lascivious Cohabitation"; 19-23 "Loitering, etc About Private Premises"; 19-24 "Noise-Generally"; 19-38 "Profane, Swearing"; 19-40 "Slander and Libel"; 19-41 "Unlawful Assemblages"; 19-42 "Vagrants-Persons Deemed Vagrant; 19-15 "Curfew for Minors Under Eighteen Years of Age" was included as Chapter 62 of this Code). Other amendments noted where applicable.

110-1 ABUSIVE LANGUAGE

If any person shall, 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 reasonably calculated to provoke a breach of the peace, he shall be guilty of a misdemeanor and, on conviction, fined a sum of not more than five hundred dollars. (\$500.).

110-2 (RESERVED)

110-3 ADVERTISEMENTS ON PRIVATE PROPERTY WITHOUT CONSENT OF PROPERTY OWNER

Any person who posts any show bill, notice or advertisement or brands, writes, marks or paints any signs, letters or characters upon the building, wall, fences or property of another person without first obtaining the consent of the owner of such property shall be guilty of a misdemeanor.

110-4 UNTRUE, DECEPTIVE OR MISLEADING ADVERTISEMENTS

Any person who, with intent to sell or in any way dispose of merchandise, securities, service or anything offered by such person, directly or indirectly, to the public for sale or distribution or with intent to increase the consumption thereof or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto or any interest therein, makes, publishes, disseminates, circulates or places before the public or causes, directly or indirectly to be made, published, disseminated, circulated or placed before the public in this town, in a newspaper or other publication or in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet or letter or in any other way, an advertisement of any sort regarding merchandise, securities, service, land, lot or anything so offered to the public, which advertisement contains any promise, assertion, representation or statement of fact which is untrue, deceptive or misleading shall be guilty of a misdemeanor. The words "untrue, deceptive and misleading," as used in this section, shall be construed as including the advertising in any manner by any person of any goods, wares or merchandise as a bankrupt stock, receiver's stock or trustee's stock, if such stock contains any goods, wares or merchandise put therein subsequent to the date of the purchase by such advertiser of such stock contains any of the purchase by such

advertiser of such stock, and if such advertisement of any stock fails to set forth the fact that such stock contains other goods, wares or merchandise put therein, subsequent to the date of the purchase by such advertiser of such stock in type as large as the type used in any other part of such advertisement, including the caption of the same, it shall be a violation of this section.

110-5 SUMMONING OF EMERGENCY APPARATUS WITHOUT JUST CAUSE

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

110-6 REMOVAL OF FIRE APPARATUS WITHOUT CONSENT

It shall be unlawful for any person to remove from the firehouse or premises, the fire engine, hose or any other apparatus owned or used by the Fire Department for the Town without the consent of the Chief of the Fire Department or without the consent of such deputies or assistants as he may designate. The names of those so designated shall be filed from time to time with the Mayor of the Town by the Chief of the Fire Department.

110-7 ASSAULT AND BATTERY GENERALLY

Any person who commits an unjustified assault or battery upon another, which does not amount to a felony, as defined by the laws of the state, shall be guilty of a misdemeanor.

110-8 ASSAULT AND BATTERY UPON POLICE OFFICIALS

Any person who commits an unjustified assault or battery upon a duly authorized police official while in the performance of his duties as an authorized official shall be guilty of a misdemeanor and fined not less than one hundred dollars (\$100.) or more than five hundred dollars (\$500.) or confined in jail not less than (10) days nor more than twelve (12) months, either or both. Any person convicted within a period of five (5) years of a second or other subsequent offense under this section shall be punished by a fine of not less than two hundred dollars (\$200.) nor more than one thousand dollars (\$1000.) and by confinement in jail for not less than thirty (30) days nor more than twelve (12) months. For the purpose of this section, a conviction or finding of not innocent in the case of a juvenile under the provisions of this section, or in the case of an adult or juvenile a conviction under the ordinance of any county, city or town in this state or the laws of any other state substantially similar to the provisions of this section, shall be considered a prior conviction.

110-9 ATTEMPTS TO COMMIT MISDEMEANORS

Every person who attempts to commit an offense which is a misdemeanor shall be confined in jail not exceeding six (6) months or fined not exceeding two hundred fifty dollars (\$250.), either or both.

110-10 SALE OF TOBACCO PRODUCTS TO MINORS

If any person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under sixteen (16) years of age cigarettes or tobacco in any form, having good cause to believe him to be a minor under sixteen (16) years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars and fifty cents (\$2.50) nor more than one hundred dollars (\$100.).

110-11 UNLAWFUL OPERATION OF COIN-OPERATED DEVICES

Any person who shall operate, cause to be operated or attempt to operate or cause to be operated any coin-box telephone, parking meter, vending machine or other machine that operates on the coin-in-the-slot principle, whether of like kind or not, designed only to receive lawful coins of the United States of America in connection with the use or enjoyment of telephone or telegraph service, parking privileges or any other service or the sale of merchandise or other property, by means of a slug or any false, counterfeit, mutilated, sweated or foreign coin or by any means, method, trick or device whatsoever, not authorized by the owner, lessee or licensee of such coin-box telephone, parking meter, vending machine or other machine; or who shall, within the municipality, obtain or receive telephone or telegraph service, parking privileges, merchandise or any other service or property from any such coin-box telephone, parking meter, vending machine or other machines, designed only to receive lawful coins of the United States of America, without depositing in or surrendering to such coin-box telephone, parking meter, vending machine or other machine lawful coins of the United States of America to the amount required therefor by the owner, lessee or licensee of such coin-box telephone, parking meter, vending machine or other machine, shall be guilty of a misdemeanor.

110-12 VENDING MACHINES USED TO SELL DRUGS OR DEVICES TO PREVENT VENEREAL DISEASES.

A. The offering for sale, distribution or other disposition by means of a vending machine or other automatic machine of any drug, medicinal preparation, device or other article intended or having special utility for the prevention of venereal disease is expressly prohibited.

B. Any such vending machine or other automatic machine shall be destroyed when found in violation hereof.

C. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

110-13 (RESERVED)

(Repealed 9-11-00 in its entirety "*Concealment of Merchandise on Store Premises*" – Effective Upon Passage)

110-14 DANCEHALLS

It shall be unlawful for any dance hall to remain open later than 2:00 a.m.

110-15 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 having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, that such conduct shall not be deemed to include the utterance or display of any words; or

2. Willfully or being intoxicated, whether willfully or not, disrupts any meeting of the governing body of any political subdivision or a division or 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 had a direct tendency to cause acts of violence by the person or persons at whom individually, such disruption is directed; provided, however, that such conduct shall not be deemed to include the utterance or display of any words.

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. Persons violating any provision of this section shall be guilty of a Class I misdemeanor.

110-16 DISTURBANCE OF RELIGIOUS WORSHIP

If any person shall willfully interrupt or disturb any assembly met for the worship of God or, being intoxicated, disturb the same, whether willfully or not, he shall be guilty of a misdemeanor.

110-17 (RESERVED)

(Repealed in its entirety "*Fortunetelling or Practicing Magic Art*" 8-25-14-effective upon passage)

110-18 DISCARDED OR ABANDONED REFRIGERATORS

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 be a misdemeanor.

110-19 (RESERVED)

110-20 (RESERVED)

110-21 NOISE RELATED TO SOLICITATION OF BUSINESS

It shall be unlawful for any person to solicit business or patronage by hawking, barking or any other public outcry, noisemaking activity or device on the streets or other public places in the town. This section shall not be construed as to apply to farmers, hucksters and others who offer for sale family supplies of a perishable nature grown and produced by them and not purchased by them for sale.

110-22 PROHIBITIONS WITH REGARD TO TOWN OFFICERS

A. If any officer shall willfully and corruptly refuse to execute any lawful process requiring him to apprehend or confine a person convicted of or charged with an offense or willfully and corruptly omit or delay to execute such process, whereby such person shall escape and go at large, such officer shall be confined in jail not exceeding six (6) months and be fined not exceeding five hundred dollars (\$500.).

B. If any person, on being required by any sheriff or other officer, shall refuse or neglect to assist him in the execution of his office in a criminal case, in the preservation of the peace, the apprehending or securing of any person for a breach of the peace or in any case of escape or rescue, he shall be confined in jail not exceeding six (6) months and fined not exceeding one hundred dollars (\$100.)

C. If any officer for performing an official duty for which a fee or compensation is allowed or provided by law knowingly demands and receives a greater fee or compensation than is allowed or provided, he shall be fined not exceeding fifty (\$50.)

D. If any person, authorized by law to charge fees for services performed by him and to issue bills therefor, shall fraudulently issue a fee bill for a service not performed by him or for more than he is entitled to, he shall be fined not exceeding five hundred dollars (\$500.)

E. If any officer of the town shall fraudulently make a false entry or erase, alter, secrete or destroy any record in his keeping and belonging to his office, he shall be punished as provided in Chapter 1, Article II, Penalties, of this Code.

F. If any person, by threats or force, knowingly attempts to intimidate or impede a Judge, Magistrate, Justice, juror, witness or any law enforcement officer, lawfully engaged in his duties as such, or to obstruct or impede the administration of the justice in any court, he shall be deemed guilty of a Class I misdemeanor.

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

110-23 PAWNBROKERS, JUNK DEALERS AND DEALERS IN SECONDHAND ARTICLES.

A. Every purchaser of or dealer in secondhand articles, junk dealers, keepers of pawnshops, buyers of gold and silver, precious metals and jewels shall make a written report to the Chief of Police for the Town of Front Royal covering transactions of the previous week or any lesser period, on or before Wednesday of each week, showing a list or description of all secondhand articles, gold, silver, precious metals and jewels bought or on which money or other thing of value is loaned and a description of the person from whom it is received, including his name, age, place of residence and occupation. If there is no such property received, he shall report that fact, and the word "none" shall be sufficient for that purpose.

B. Said dealers, purchasers and pawnbrokers shall ascertain the name, address and age of such sellers or pawnors who are unknown to them by requiring at least two (2) items of identification. Licensees shall record the time and date of the purchase or pawn and the price paid and shall include this information in their report to the Chief of Police. All such reports shall be confidential records and shall not be disseminated to persons or agencies other than the Front Royal Town Police and associated law enforcement agencies and personnel.

C. No purchases or pawns shall be made with anyone under the age of eighteen (18).

D. No secondhand articles, gold, silver, precious metals or jewels so purchased or received on pawn by such purchasers, dealers and pawnshop owners shall be sold, given away, melted down or otherwise disposed of or altered until three (3) days have elapsed after the above-described transaction report is submitted to the Chief of Police, except that nonmetallic matter may be removed from gold, silver and other precious metals, and gem stones may be removed from their settings in order to obtain a true weight.

E. This section shall not apply to legitimate transactions with coin collectors involving the purchase of coins for hobby purposes, as opposed to transactions involving the purchase of coins for the scrap value of the metal.

F. Violation of the terms of this section shall be a misdemeanor.

110-24 POOLROOMS AND GAME ROOMS

A. Hours of operation.

1. Public poolrooms and billiard rooms in the Town shall close not later than 2:00 a.m. and remain closed until 7:00 a.m. All other business in the Town of Front Royal which have

upon their premises, available for public use, pool tables or billiard tables shall not permit said devices to be operated between the hours of 2:00 a.m. and 7:00 a.m.

(Amended the times in (1) 1-8-07-Effective Upon Passage)

2. Public arcades, pinball and electronic game establishments in the Town shall close at 10:00 p.m. and remain closed until 10:00 a.m. the following day. All other businesses in the Town of Front Royal which have upon their premises, available for the public use, arcade game machines, pinball machines or electronic game machines, shall not permit said device to be operated between the hours of 10:00 p.m. and 10:00 a.m. the following day.

(Amended the times in (2) 10-25-99-Effective Upon Passage)

3. Any owner or operator of a public poolroom, billiard room, arcade, pinball or electronic game establishment or such other business with said game devices upon the premises who violates the provisions of this section shall be guilty of a misdemeanor.

B. It shall be unlawful for the owner or manager of a poolroom, shooting gallery, bowling alley or other licensed place of similar or kindred games and amusements to paint or frost the windows or the glass in the doors or to place curtains, screens or blinds thereupon or thereabout or in any way obscure, shield or screen from view the interior of such room or any room adjoining or connecting there-with or any part thereof.

(Added (B) 1-8-07-Effective Upon Passage)

110-25 (RESERVED)

110-26 INTERFERENCE WITH RADIO AND TELEVISION RECEPTION

It shall be unlawful for any person to maintain or operate within the Town any machine, sign, device or equipment using or operated by electric power or current in a manner or under conditions causing interference with the use of radios or television sets or with the radio or television reception within the Town. Such unlawful use or maintenance of such machine, device or equipment being hereby expressly declared a nuisance, and any person violating this section shall be deemed guilty of a misdemeanor.

110-27 (RESERVED)

110-28 SWIMMING POOL FENCING REQUIRED

A. For the purposes of this section, the following terms shall have the following meanings:

FENCE - A close-type vertical barrier not less than four (4) feet in height above the ground surface. A woven steel wire, chain link, picket or solid board type fence or a fence of similar construction which will prevent the smallest of children from getting through shall be construed as within this definition.

SWIMMING POOL- Any outdoor man-made structure, constructed from material other than natural earth or soil, designed or used to hold water for the purpose of providing a swimming or bathing place for any person or any such structure for the purpose of impounding water therein to a depth of more than two (2) feet.

B. It shall be unlawful for any person to construct, maintain, use, possess or control any swimming pool on any property in the Town without having completely around such swimming pool a fence as hereinabove defined. Every gate in such fence shall be capable of being fastened securely at a height of four (4) feet above ground level, and it shall be unlawful for any such gate to be allowed to remain unfastened while the pool is not in use. Such fence shall be constructed so as to come within two (2) inches of the ground at the bottom.

C. This section shall not apply to a one-piece, plastic-type, portable swimming pool, nor to a swimming pool constructed prior to the effective date of this section if it is enclosed by a fence approved by the State Health Commissioner.

D. Any person violating any of the provisions of this section shall be punished by a fine of not more than three hundred dollars (\$300.) or by confinement in jail for not more than thirty (30) days, or both. Each day's violation shall be construed as a separate offense.

110-29 (RESERVED)

110-30 (RESERVED)

110-31 UNLAWFUL ACTS WITH REGARD TO VEHICLES, BOATS, AND VESSELS

A. Any person who shall individually or in association with one (1) or more others willfully break, injure, tamper with or remove any part of any vehicle, boat or vessel for the purpose of injuring, defacing or destroying such vehicle 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, boat or vessel or who shall in any manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, boat or vessel shall be guilty of a misdemeanor.

B. Any person who shall without the consent of the owner or person in charge of a vehicle, boat or vessel, climb into or upon such vehicle, boat or vessel, with intent to commit any crime, malicious mischief or injury thereto or who, while a vehicle, boat or vessel is at threat and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to set such vehicle, boat or vessel in motion, with the intent to commit any crime, malicious mischief or injury thereto, shall be guilty of a misdemeanor, except that foregoing provision shall not apply when any such act is done in an emergency manner 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 Subsections A and B above shall not apply to a bona fide repossession of a vehicle, boat or vessel by a holder of a lien on such vehicle, boat or vessel, or by agents or employees of such lienholder.

110-32 WELLS

A. Abandonment.

1. Every owner, operator, proprietor, superintendent or conductor of any sawmill or other manufacturing plant or any other person who has cause to be dug on his own land or the land of another any well or pit for the use of such a sawmill, plant or person shall fill such well or pit with earth so that the same shall not be dangerous to human beings, animals or fowl at the time of or before such mill or plant shall be removed or such well or such pit otherwise abandoned; and any person owing land wherein any such well or pit is located shall in the same manner fill with earth any such well or pit which has been abandoned, provided that such person has knowledge of the existence of such well or pit.

2. Any person violating any provision of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding five hundred dollars (\$500.).

B. Covers to be kept on.

1. Every person owning or occupying any land within the Town on which there is a well having a diameter greater than six (6) inches shall at all times keep the same covered in such a manner as not to be dangerous to human beings, animals or fowl.

2. Any person violating the provisions of this subsection shall be guilty of a misdemeanor.

110-33 URINATING IN PUBLIC

It shall be unlawful for any person to urinate in a public place not specifically designated as a public rest room or a public bathroom. Violations shall be punished by a fine not to exceed two hundred fifty dollars (\$250.)

(Added 6-24-91-Effective Upon Passage)

110-34 UNLAWFUL CROSSING OF PUBLIC STREETS

A. "Streets" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of motor vehicular travel in the Town, including the public highways and roadways.

B. "Crosswalk" means that part of a public street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the public street measured from the curbs or, in the absence of curbs, from the edges of the traversable public street; or any

portion of a public street at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

C. As a matter of public safety to pedestrians and motorists, pedestrians lawfully shall cross public streets, wherever possible, only at intersections, marked crosswalks, or at official pedestrian crossing signals; or as directed by a law enforcement officer.

D. When crossing public streets, it shall be unlawful for pedestrians to carelessly or maliciously interfere with the orderly passage of vehicles.

E. (1) Violations of this ordinance which are inadvertent or not likely to result in serious bodily harm to a pedestrian may be charged on a Town of Front Royal summons and shall be charged punished as a traffic infraction and shall be punished by a fine not to exceed one hundred dollars (\$100.00); (2) Violations of this ordinance which are intentional and likely to result in serious bodily harm to a pedestrian or motorist may be charged on a Commonwealth summons or Commonwealth warrant and shall be punished as a Class 4 Misdemeanor.

(Added Entire Section 8-27-18-Effective Upon Passage)