

Chapter 15

OFFENSES-MISCELLANEOUS*

- [Sec. 15-1. Arrest - Resisting.](#)
- [Sec. 15-2. Same - Breaking, fleeing, etc.](#)
- [Sec. 15-3. Assault and battery.](#)
- [Sec. 15-4. Attempts; aiding and abetting.](#)
- [Sec. 15-5. Automobile graveyards regulated, and made subject to license tax.](#)
- [Sec. 15-6. County officers and employees - Interfering with, etc.](#)
- [Sec. 15-7. Same-Impersonation of.](#)
- [Sec. 15-8. County property - Tampering with, etc., personal property generally.](#)
- [Sec. 15-9. Same - Damage, etc., to and trespass upon real property.](#)
- [Sec. 15-10. Curfew for minors-Generally.](#)
- [Sec. 15-11. Same - Parent, guardian, etc., permitting violation.](#)
- [Sec. 15-12. Same - Duty of law enforcement officers.](#)
- [Sec. 15-13. Same-Penalties for violation.](#)
- [Sec. 15-14. Disorderly conduct in public places.](#)
- [Sec. 15-15. Punishment for using abusive language to another.](#)
- [Sec. 15-16. Reserved.](#)
- [Sec. 15-17. False alarms.](#)
- [Sec. 15-18. Highways not to be made depositories for glass, nails, etc., by any persons.](#)
- [Sec. 15-19. Indecent exposure.](#)
- [Sec. 15-19.1. Public nudity - Prohibited.](#)
- [Sec. 15-20. Noises prohibited in residential-zoned areas.](#)
- [Sec. 15-21. Obstructing free passage of others.](#)
- [Sec. 15-22. Peeping Toms.](#)
- [Sec. 15-23. Petit larceny.](#)
- [Sec. 15-24. Private property protected-Personal property.](#)
- [Sec. 15-25. Same - Real property.](#)
- [Sec. 15-25.1. Designation of law enforcement to enforce trespass violations.](#)
- [Sec. 15-26. Profane swearing and drunkenness.](#)
- [Sec. 15-27. Railroad cars obstructing highway; standing vehicle on railroad track.](#)
- [Sec. 15-27.1. Sunday closing repealed.](#)
- [Sec. 15-28. Swimming pools in areas zoned for residential use.](#)
- [Sec. 15-29. Telephone calls - Profane, threatening, etc., language prohibited.](#)
- [Sec. 15-30. Same - Giving certain false information.](#)
- [Sec. 15-31. Same - Causing telephone to ring with intent to annoy.](#)
- [Sec. 15-32. Same - Use of party line for emergency calls.](#)
- [Sec. 15-33. Same - Jurisdiction.](#)
- [Sec. 15-34. Weapons-Firearms not to be carried, or in vehicle, when loaded; enforcement provisions.](#)
- [Sec. 15-35. Carrying concealed weapons.](#)
- [Sec. 15-36. Discharge of firearms, etc., in certain areas, exceptions.](#)
- [Sec. 15-37. Guest register generally.](#)
- [Sec. 15-38. False registration by guests.](#)

*Cross reference-Common law misdemeanors, § 1-6.

Sec. 15-1. Arrest-Resisting.

It shall be unlawful for any person, by threat, force or otherwise, to attempt to intimidate or impede any peace officer in the discharge of his duty to make an arrest.

Sec. 15-2. Same-Breaking, fleeing, etc.

It shall be unlawful for any person, having been placed under arrest, to break the arrest or to flee from the custody of the person making the arrest or any other person in charge of the arrested person.

Sec. 15-3. Assault and battery.

It shall be unlawful for any person to commit an assault, or an assault and battery, upon any other person within the county.

Sec. 15-4. Attempts; aiding and abetting.

(a) It shall be unlawful for any person to attempt to commit any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet another in the commission or attempted commission of any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

(b) It shall be unlawful for any person to attempt to avoid the doing of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet another in the avoidance or attempted avoidance of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

State law references-When and where accessories tried, how indicted, Code of Va., § 18.2-21; attempts to commit capital offenses, how punished, Code of Va., § 18.2-25; attempts to commit noncapital felonies, how punished, Code of Va., § 18.2-26; attempts to commit misdemeanors, how punished, Code of Va., § 18.2-27; maximum punishment for attempts, Code of Va., § 18.2-28.

Sec. 15-5. Automobile graveyards regulated, and made subject to license tax.

An automobile graveyard is, as defined in Section 33.1-348 of the Code of Virginia, any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

The location of any automobile graveyard within this county shall require a special use permit issued by the board of supervisors and shall be subject to a quarterly license tax in the amount of \$50.00. No automobile graveyard shall commence or continue to operate without payment of such quarterly license tax.

Any person who maintains a site, lot or place as an automobile graveyard, any part of which is within 1,000 feet of any highway comprising a part of the state highway system, shall erect and maintain a fence or hedge around such automobile graveyard.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor. (1-31-64; Ord. No. 56A-4, 12-2-85)

State law references-Authority of county to enact this section, Code of Va., § 15.2-903; for state law applicable to automobile graveyards and junkyards, Code of Va., § 33.1-348.

Sec. 15-6. County officers and employees-Interfering with, etc.

It shall be unlawful for any person to carelessly or willfully interfere with, hinder or obstruct any officer or employee of the county who is engaged in, en route to or returning from the performance of official duty, whether such interference, hindrance or obstruction be by threat, assault or otherwise. (Ord. No. 56A-4, 12-2-85)

State law references-Refusal to aid officer in the execution of his office, Code of Va., § 18.2-460; obstructing justice by threats or force, Code of Va., § 18.2-463.

Sec. 15-7. Same-Impersonation of.

It shall be unlawful for any person to falsely represent himself to be an officer or employee of the county or, without proper authority, wear or display any uniform, insignia or credential which identifies any county officer or employee; nor shall any person without proper authority assume to act as an officer or employee of the county, 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. (Ord. No. 56A-4, 12-2-85)

State law references-Impersonating peace officer, Code of Va., § 18.2-174; unlawful wearing of uniform of peace officer, Code of Va., § 18.2-175.

Sec. 15-8. County property-Tampering with, etc., personal property generally.

It shall be unlawful for any person without proper authority to knowingly use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any furniture, equipment, gear, apparatus, tools or other items of personal property belonging to, leased to or used by the county or any agency thereof. (Ord. No. 56A-5, 1-4-88)

Sec. 15-9. Same-Damage, etc., to and trespass upon real property.

It shall be unlawful for any person without proper authority to knowingly destroy, damage, deface, molest or otherwise interfere with, or trespass upon, any real property belonging to, leased to or used by the county or any agency thereof. (Ord. No. 56A-5, 1-4-88)

Sec. 15-10. Curfew for minors-Generally.

(a) *Definitions:*

(1) *Minor.* As used in this section and sections 15-11 and 15-12, the term "minor" means a person less than 18 years of age.

- (2) *Custodian.* As used in this section and section 15-11, the term "custodian" means a person 18 years of age or older who has been temporarily entrusted with the care and custody of a minor by the minor's parent or guardian.
- (b) *Curfew.* It shall be unlawful for any minor to be in or upon any street, park, vacant lot, playground, wharf, dock, place of amusement, or any other public place in the county between the hours of 12:00 midnight and 5:00 a.m. of the following day.
- (c) *Exemptions.* The provisions of this section shall not apply to:
 - (1) Any minor who is accompanied by his or her parent, guardian or custodian;
 - (2) Any minor who is on an emergency errand and has in his or her possession a written consent to that effect signed by his or her parent, guardian or custodian;
 - (3) Any minor who is in attendance at, or going directly to or directly from, an activity sponsored by the county or any department or agency of the county, church, public school or licensed private school, and has in his or her possession a written consent to that effect signed by his or her parent, guardian or custodian; or
 - (4) Any minor who is engaged in lawful employment or is going directly to or going directly from his or her place of lawful employment.

(Ord. of 9-30-65, § 1; Ord. No. 51A-1, 12-21-92)

State law reference-Authority of county to establish curfew for minors, Code of Va., § 15.2-926.

Sec. 15-11. Same-Parent, guardian, etc., permitting violation.

It shall be unlawful for any parent, guardian or custodian of any minor to knowingly permit, allow or encourage a minor to violate the provisions of section 15-10. (Ord. of 9-30-65, § 2; Ord. No. 51A-1, 12-21-92)

Sec. 15-12. Same-Duty of law enforcement officers.

(a) Whenever any police or other officer charged with the duty of enforcing the laws of this state or the ordinances of this county shall discover or have his attention called to the fact that any minor is in or on any street, park, vacant lot, playground, wharf, dock, place of amusement or is in or upon any other public place, whether of like kind or not, between the hours of 12:00 midnight and 5:00 a.m. of the following day, the officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of such minor is in violation of any of the provisions in section 15-10. If such investigation reveals that such presence of such minor is in violation of any of the provisions of section 15-10, then the officer shall take the name and address of such minor and the name and address of the parent, guardian or other person having the care and custody of such minor, and shall issue a summons or otherwise notify such minor and such parent, guardian or other person having the care and custody of such minor, in writing, to appear before the judge of the juvenile and domestic relations court of the county at a time to be specified in such summons or notice to be there dealt with according to the provisions of sections 15-10 to 15-12 and the laws of the state applicable thereto. The officer shall also order such minor to forthwith proceed to his home or place of abode, and should such minor refuse or fail so to do, the officer shall take such minor to his home or place of abode should he deem such advisable.

(b) Should any such minor refuse to give such officer his name and address or the name and address of his parent, guardian or other adult person having the care and custody of such minor, such officer shall take such

minor to the James City County Law Enforcement Center or to the City of Williamsburg police headquarters and there detain him until such time as he can be turned over to the officers of the juvenile and domestic relations court of the county to be dealt with in the manner required by law. (Ord. of 9-30-65, §§ 3, 4; Ord. No. 160, 7-7-86; Ord. No. 51A-1, 12-21-92)

Sec. 15-13. Same-Penalties for violation.

Every person who violates any of the provisions of section 15-10 to 15-12, inclusive, or who shall fail to proceed forthwith to his home or place of abode when so ordered by such officer or who shall knowingly give a false name or false address to such officer shall, upon conviction thereof, be guilty of a Class 4 misdemeanor. (9-30-65, § 5; Ord. No. 56A-4, 12-2-85)

Sec. 15-14. Disorderly conduct in public places.

(a) A person shall be 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, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter; or,
- (2) Willfully or being intoxicated, whether willfully or not, disrupts any meeting of the governing body of any political subdivision of this state 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 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 the utterance or display of any words to include conduct otherwise made punishable under this chapter.

(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(s) who may be called upon for such purpose.

(c) A person violating any provision of this section shall be guilty of a Class 1 misdemeanor. (Ord. No. 44A-1, 6-13-83)

State law reference-For state law on disorderly conduct, see Code of Va., § 18.2-415.

Sec. 15-15. Punishment for using abusive language to another.

If any person shall, in the presence or hearing of another, curse or abuse such other person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a Class 3 misdemeanor. (1-9-61; Ord. No. 44A-1, 6-13-83)

Sec. 15-16. Reserved.

Sec. 15-17. False alarms.

It shall be unlawful for any person to:

- (a) Knowingly give or cause to be given any false alarm of fire;
- (b) Knowingly give or cause to be given any false alarm of explosion or impending danger of explosion;
- (c) Knowingly give or cause to be given any false alarm of the need for police protection or assistance, or any false report to the sheriff's department or the police department;
- (d) Knowingly give or cause to be given any false alarm of the need for an ambulance or medical assistance.

(Ord. No. 56A-4, 12-2-85)

State law references-Giving false alarms of bombing, burning, etc., Code of Va., § 18.2-83; summoning fire-fighting apparatus, ambulances without just cause, Code of Va., § 18.2-212; giving false reports to police officers, Code of Va., § 18.2-461.

Sec. 15-18. Highways not to be made depositories for glass, nails, etc., by any persons.

It shall be unlawful for any person to throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can or any other substance likely to injure any person or animal, or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Any persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor. (Ord. No. 56A-4, 12-2-85)

State law reference-For similar law, see Code of Va., § 18.2-324.

Sec. 15-19. 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 procure another to do so. (Ord. No. 56A-4, 12-2-85)

State law reference-Indecent exposure, Code of Va., § 18.2-387.

Sec. 15-19.1. Public nudity-Prohibited.

(a) As used in this section, "state of nudity" means a state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

(b) It shall be unlawful for any person to knowingly, voluntarily and intentionally appear in public, or in a public place, or in a place open to the public or open to public view, in a state of nudity or to employ, encourage or procure another person to so appear.

(c) Nothing contained in this section shall be construed to apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, act or drama as differentiated from commercial or business advertising, promotion or exploitation of nudity for the purpose of advertising, promotion, selling or serving products or services or otherwise advancing the economic welfare of a commercial or business enterprise such as a hotel, motel, bar, nightclub, restaurant, tavern or dance hall. (Ord. No. 56A-2, 8-13-84; Ord. No. 56A-4, 12-2-85)

Sec. 15-20. Noises prohibited in residential-zoned areas.

It shall be unlawful for any person to, within the limits of the county, make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise on any premises of such a character as to either disturb, injure or endanger the quiet, comfort, repose, health, peace or safety of others; provided, that this section shall apply only to residential-zoned areas and all uses provided for in such a zoning classification.

The following acts, among others, are declared to be loud, disturbing and unnecessary noise in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (a) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bicycle or other vehicle on any street or public place of the county, except as a danger warning; the creation by means of any signaling device of any unreasonable loud or harsh sound; and the sounding of any signaling device for an unnecessary and unreasonable period of time.
- (b) *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated, any radio receiving set, tape recorder, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (c) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting the playing, using or operating of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure or vehicle.
- (d) *Animals.* The keeping of any animal which, by causing frequent or continued noise, shall disturb the comfort or repose of any person in the vicinity.
- (e) *Exhausts.* The discharge into open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (f) *Defects in vehicle.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

- (g) *Hawkers.* The shouting and crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
- (h) *Musical instruments.* The use of any drums or other musical instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$100.00, or be imprisoned in jail for a period not exceeding ten days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (9-13-71; 4-12-76)

Sec. 15-21. Obstructing free passage of others.

It shall be unlawful for any person or persons in any public place or on any private property open to the public to unreasonably or unnecessarily obstruct the free passage of other persons to and from or within such public place or private property and to 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; but nothing in this section shall be construed to prohibit lawful picketing. (Ord. No. 56A-4, 12-2-85)

State law reference-For similar state law, see Code of Va., § 18.2-404.

Sec. 15-22. Peeping Toms.

It shall be unlawful for any person to enter upon the property of another, in the nighttime, and secretly or furtively peep through or attempt to so peep into, 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 when or not such occupancy be permanent or temporary. (1-9-61)

State law reference-For similar state law, see Code of Va., § 18.2-130.

Sec. 15-23. Petit larceny.

It shall be unlawful for any person to commit larceny from the person of another of money or other thing of value less than \$5.00, or to commit simple larceny not from the person of another of goods and chattels of value less than \$200.00. Persons violating this section shall be guilty of petit larceny which shall be punishable as a Class 1 misdemeanor. (Ord. No. 56A-4, 12-2-85)

State law reference-For state law as to petit larceny, see Code of Va., § 18.2-96.

Sec. 15-24. Private property protected-Personal property.

It shall be unlawful for any person to knowingly and without proper authority use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any personal property of another. (Ord. No. 56A-5, 1-4-88)

Cross reference-Damaging or jeopardizing property of another by fire, § 9-3.

State law reference-For state law as to injuring, etc., any property, monument, etc., real or personal property, Code of Va., § 18.2-137.

Sec. 15-25. Same-Real property.

It shall be unlawful for any person to knowingly and without proper authority destroy, damage, deface, molest or otherwise interfere with, or trespass upon, any real property of another. (Ord. No. 56A-5, 1-4-88)

State law reference-For state law as to trespass after having been forbidden to do so, Code of Va., § 18.2-119.

Section 15-25.1. Designation of law enforcement to enforce trespass violations.

(a) The owner, lessee, custodian, or person lawfully in charge of any real property may designate the James City County Police Department and/or the Williamsburg-James City County Sheriff's Office as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings or premises of the owner, lessee, custodian, or person lawfully in charge as specified in the designation. This designation shall be valid only upon the execution of a limited power of attorney in a form provided by the James City County Police Department, the Williamsburg-James City County Sheriff's Office, or in a form otherwise approved by the county attorney. The limited power of attorney shall appoint the James City County Police Department, and its officers, or the Williamsburg-James City County Sheriff's Office, as true and lawful attorneys-in-fact for the owner, lessee, custodian, or person lawfully in charge with the following specific powers:

- (1) To determine if a person has the owner's, lessee's, custodian's, or person lawfully in charge's permission to go or remain upon such property,
- (2) To issue "notice forbidding trespass" to person(s) without such permission provided they are engaged in illegal activity,
- (3) To arrest person(s) found to be in violation of such notice, and
- (4) To testify in court on behalf of the owner, lessee, custodian, or person lawfully in charge to enforce the notice forbidding trespass and the trespass laws.

(b) In all cases, the actual owner of said real property will have the right to change the officer's or deputy's determination of "lack of permission" and the owner may revoke such notice forbidding trespass, in writing, at any time after providing written notice of such change to the chief of police or the sheriff. The owner may revoke his limited power of attorney, at any time, after providing written notice of such revocation to the chief of police or sheriff. The chief of police or sheriff may terminate the agreement to act as agents of the owner, lessee, custodian, or person lawfully in charge for any given property at any time, after providing written notice of such termination to the owner, lessee, custodian, or person lawfully in charge.

(c) Copies of such limited power of attorney will be kept on file with the James City County Police Department or the Williamsburg-James City County Sheriff's Office, as applicable.

State law reference - Code of Va., § 15.2-1717.1
(Ord. No. 56A-12, 8-8-06; Ord. No. 56A-13, 2-13-07)

Sec. 15-26. Profane swearing and drunkenness.

If any person shall profanely curse or swear or be drunk in public he shall be deemed guilty of a Class 4 misdemeanor. (1-9-61; Ord. No. 56A-3, 6-10-85)

State law references-Similar provisions, Code of Va., § 18.2-388; authority for above section, Code of Va., § 18.2-389.

Sec. 15-27. Railroad cars obstructing highway; standing vehicle on railroad track.

It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any highway or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passageway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train; provided, that when a train has been uncoupled, so as to make a passageway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such highway or road. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than \$100.00 nor more than \$500.00 provided, that the fine may be \$100.00 for each minute beyond the permitted time but the total fine shall not exceed \$500.00. This section shall not apply when the train is stopped due to breakdown, mechanical failure or emergency. (Ord. No. 56A-4, 12-2-85)

State law reference-For similar state law, see Code of Va., §§ 56-412.1, 56-412.2.

Sec. 15-27.1. Sunday closing repealed.

The sense of its citizens being that the provisions of the Code of Virginia, Section 18.2-341, the Sunday Closing Law, are not necessary in the county, the provisions of such Section 18.2-341 shall hereafter have no force or effect within the county. (2-10-75, § 1)

State law references-Working or transacting business on Sunday, Code of Va., § 18.2-341; observance of Saturday as Sabbath, Code of Va., § 18.2-343.

Sec. 15-28. Swimming pools in areas zoned for residential use.

It shall be unlawful for any person in any area zoned for residential use to:

- (a) Construct, maintain, use, possess or control any swimming pool without having completely around such swimming pool a fence as hereinafter defined; or
- (b) Construct, maintain, use, possess or control any gate in such fence which is not capable of being securely fastened at a height of not less than four feet above ground level, and it shall be unlawful for any person using, possessing or controlling any such gate to allow it to remain unfastened while the pool is not in use.

"Swimming pool" shall include any outdoor man-made structure constructed from material other than natural earth or soil designed or used to hold water for the purposes 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 feet.

"Fence" shall mean a close-type vertical barrier not less than four feet in height above 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. The fence shall be constructed so as to come within two inches of the ground at the bottom and shall be at least five feet from the edge of the pool at any point. (9-8-69; Ord. No. 56A-4, 12-2-85)

State law reference-Authority of county to enact this section, Code of Va., § 15.2-921.

Sec. 15-29. Telephone calls-Profane, threatening, etc., language prohibited.

It shall be unlawful for any person to curse or abuse anyone, or to use vulgar, profane, indecent or threatening language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act with the intent to coerce, intimidate or harass any person over any telephone or citizens band radio in this county. (Ord. No. 56A-4, 12-2-85)

State law reference-Use of profane, abusive, etc., language over telephone, and duty of telephone companies to furnish information as to violation, etc., Code of Va., § 18.2-427.

Sec. 15-30. Same-Giving certain false information.

It shall be unlawful for any person to maliciously advise or inform another over any telephone in this county of the death of, accident to, injury to, illness of or disappearance of some third party, knowing such advice or information to be false.

State law reference-For similar state law, see Code of Va., § 18.2-428.

Sec. 15-31. Same-Causing telephone to ring with intent to annoy.

It shall be unlawful for any person, without intent to converse but with intent to annoy any other person, to cause any telephone not his own to ring; and no person shall permit or condone the use of any telephone under his control for such purpose. Persons violating this section shall be guilty of a Class 3 misdemeanor. (Ord. No. 56A-4, 12-2-85)

State law reference-For similar state law, see Code of Va., § 18.2-429.

Sec. 15-32. Same-Use of party line for emergency calls.

(a) It shall be unlawful for any person to fail to relinquish a telephone party line after he has been requested to do so to permit another to place an emergency call; provided, that this subsection shall not apply to any person who is himself using the telephone party line for such emergency call.

(b) It shall be unlawful for any reason to request another to relinquish a telephone party line on the pretext that he must place an emergency call, knowing such pretext to be false.

(c) As used in this section, "telephone party line" means a subscribers' line circuit consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number; and "emergency call" means a call to report a fire or summon police, or for medical aid or ambulance service, in a situation where human life or property is in jeopardy and the prompt summoning of aid is essential.

(d) Persons violating this section shall be guilty of a Class 3 misdemeanor. (Ord. No. 56A-4, 12-2-85)

State law references-Emergency calls over telephone party line, Code of Va., § 18.2-424, 18.2-425, 18.2-426.

Sec. 15-33. Same-Jurisdiction.

Any violation of any provision of sections 15-29 to 15-32, inclusive, shall be deemed to have been committed in this county if either party to the telephone call which constitutes such violation was in this county at the time of such telephone call.

Sec. 15-34. Weapons-Firearms not to be carried, or in vehicle, when loaded; enforcement provisions.

(a) It shall be unlawful for any person to carry or have in his possession while on any part of a public highway within the county a loaded firearm when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking. The provisions of this subsection shall not apply to persons carrying loaded firearms in moving vehicles, nor to persons acting at the time in defense of persons or property.

(b) It shall be unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road or highway within the county. Conservation police officers, sheriffs and all other law enforcement officers shall enforce the provisions of this subsection.

The provisions of this subsection shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

(c) Any violation of this section shall be punishable by a fine of not more than \$100.00.
(Ord. No. 56A-14, 9-11-07)

State law references-Power of county to regulate the carrying of loaded firearms on public highways, Code of Va., § 15.2-1209.1; transporting a loaded rifle or shotgun, Code of Va., § 15.2-915.2.

Sec. 15-35. Carrying concealed weapons.

(a) If any person carry about his person, hid from common observation, any pistol, revolver, or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, spring stick, ballistic knife, switchblade knife, razor, slingshot, metal knucks, blackjack, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nunchuck, nunchaku, shuriken, or fighting chain, any disc, or whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, he shall be guilty of a Class 1 misdemeanor, and such weapon shall be forfeited to the commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers, conservators of the peace, and the division of consolidated laboratory services 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:

- (1) Any person while in his own place of abode or the curtilage thereof;
- (2) Any police officers, sergeants, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to chapter 2 of title 29 (section 29.1-200 et seq.) of the Code of Virginia;
- (3) Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range; provided, that the weapons are unloaded and securely wrapped while being transported;
- (4) Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition; provided, that the weapons are unloaded and securely wrapped while being transported;

- (5) Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported.
 - (6) Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions; and
 - (7) Any State Police officer retired from the Department of State Police and any local law enforcement officer retired from a police department or sheriff's office within the Commonwealth with a service disability or following at least 15 years of service, other than a person terminated for cause, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed weapon issued by the chief law-enforcement officer of the agency from which the officer retired.
- (c) This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:
- (1) Carriers of the United States mail in rural districts;
 - (2) Officers or guards of any state correctional institution;
 - (3) Campus police officers appointed pursuant to chapter 17 of title 23 (section 23-232 et seq.) of the Code of Virginia;
 - (4) Conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed weapon without obtaining a permit as provided in section 18.2-308D of the Code of Virginia:
 - a. Notaries public;
 - b. Registrars;
 - c. Drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; and
 - d. Commissioners in chancery;
 - (5) Noncustodial employees of the department of corrections designated to carry weapons by the secretary of public safety or the director of the department of corrections pursuant to section 53.1-29 of the Code of Virginia;
 - (6) Law-enforcement agents of the Armed Forces of the United States and federal agents who are otherwise authorized to carry weapons by federal law while engaged in the performance of their duties;
 - (7) Law-enforcement agents of the United States Naval Criminal Investigative Service.
- (d) Any person wishing to obtain a permit to carry a concealed handgun must apply pursuant to Section 18.2-308D of the Code of Virginia. In order to determine the applicant's suitability for a concealed handgun permit, the applicant shall be fingerprinted; however, any person applying for renewal of an existing permit, validly issued by any locality in the commonwealth, shall not be fingerprinted. The fingerprints and descriptive information shall be forwarded through the Virginia State Police to the Federal Bureau of Investigation for a national criminal history record check. Fingerprints taken pursuant to this section shall not be copied, held, or used for any other purposes.
(Ord. No. 56A-4, 12-2-85; Ord. No. 56A-9, 7-22-97; Ord. No. 56A-10, 5-23-00; Ord. No. 56A-10, 5-23-00; Ord. No. 56A-14, 9-11-07)

State law references-For state law as to the carrying of concealed weapons, see Code of Va., § 18.2-308; requiring fingerprints, Code of Va., § 15.2-915.3.

Sec. 15-36. Discharge of firearms, etc., in certain areas; exceptions.

(a) It shall be unlawful for any person to discharge any firearms or pneumatic gun in the county in or within 300 feet of any dwelling, commercial building or shelter for animals, except with the prior written permission of owner or tenant, in or within 50 feet of the boundaries of any recorded subdivision, or in a manner which causes ammunition to cross such areas.

(b) For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them below:

Ammunition. A cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

Commercial building. Any structure which requires the issuance of a certificate of occupancy under the Virginia Uniform Statewide Building Code and is used or is intended to be used for commerce.

Dwelling. Any structure which is designed for use for residential purposes, including, but not limited to, a mobile home.

Firearm. Any weapon in which ammunition may be used or discharged by explosion or pneumatic pressure.

Owner. One or more persons, jointly or severally, in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises.

Pneumatic gun. Any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. Pneumatic gun includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

Recorded subdivision. Any subdivision a plat of which has been recorded in the clerk's office for the circuit court of the county.

Shelter for animals. Any building designed or intended for the shelter, housing or enclosure of any animals, livestock or poultry.

Tenant. A person entitled under a rental agreement to occupy a dwelling to the exclusion of others.

(c) It shall be unlawful for any person to discharge a rifle, shotgun rifled slug or muzzle-loading rifle (except a rifle .22 caliber or smaller, a muzzle-loading rifle .36 caliber or smaller, or a shotgun) anywhere in the county unless such person is on a stand elevated at least ten feet above the ground. This paragraph shall not apply to any person discharging a rifle in a permitted area to hunt groundhogs on land zoned A-1, General Agricultural District, between March 1 and September 1.

(d) The prohibition contained in this section shall not apply to the following:

- (1) The discharge of firearms in a private basement, cellar or target range, provided that such target range has sufficient background or backstop to ensure that ammunition will not travel more than 300 feet beyond the target range.
- (2) The discharge of weapons in defense of one's life or to kill any dangerous animal.

- (3) The discharge of weapons by any duly authorized peace officer, law enforcement official or military personnel acting in the performance of his duties.
- (4) The discharge of a weapon by any person participating in a hunt for which a permit for controlled wildlife reduction has been issued by the Virginia Department of Game and Inland Fisheries; such hunt shall also be approved by the James City County Chief of Police, who shall review the action plan for such a hunt to provide for the health, safety and welfare of residents and participants. Such review shall include, but not be limited to, the area in which the weapons may be discharged; the caliber of the weapons to be used; measures to be implemented to keep nonparticipants in the hunt from entering the area; the number of participants; and the days and hours of such a hunt.

(e) It shall be unlawful for any minor under the age of 16 to use a pneumatic gun on private or public property unless such minor is under the supervision of a parent, guardian, or other adult supervisor approved by a parent or guardian of such minor. Minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun on private property with the consent of the owner. Any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations, and restrictions governing such use. Pneumatic gun offenses shall be punishable as a Class 3 misdemeanor.

(Ord. No. 79, 5-13-74; Ord. No. 56A-6, 3-4-91; Ord. No. 56A-7, 12-6-93; Ord. No. 56A-8, 8-1-94; Ord. No. 56A-14, 9-11-07)

State law references-General powers of counties, Code of Va., § 15.2-1200; shooting of firearms, or arrows from bows, in certain areas prohibited, Code of Va., § 15.2-1209; hunting in certain areas prohibited, Code of Va., § 15.2-1210; regulation of pneumatic guns, Code of Va., § 15.2-915.4; regulation of compound bows, crossbows, longbows, and recurve bows, Code of Va., § 15.2-916..

Sec. 15-37. Guest register generally.

(a) Every person conducting any lodging place in the county shall at all times keep and maintain therein a guest register, in which shall be inscribed, electronically, or with indelible ink, the name and home address of each guest or person renting or occupying a room or camping space therein, as well as the guest's vehicle description and license plate information. Such register shall be signed by the person renting a room or camping space, or by someone signing by his or her authority or the person's identity is electronically verified. The proprietor of such lodging place, or his or her agent, shall thereupon enter or write, electronically, or with indelible ink, opposite such name so registered, the number of each room or camping space assigned to and occupied by such guest, together with the date(s) when such room or camping space is rented. Until all of the aforesaid entries have been made in such register, no guest shall be suffered or permitted to occupy any room in such lodging place. When the occupant of a room or camping space so rented vacates and surrenders the same, it shall be the duty of the proprietor of the lodging place, or his or her agent, to maintain for one year, a record of the date(s) when such room or camping space was vacated and surrendered.

(b) The register required by this section shall be subject to inspection at any and all reasonable times by any public safety officer in the performance of his or her duties.

(c) The guest vehicle parking area of every lodging place shall be accessible at any and all reasonable times to any public safety officer in the performance of his or her duties.

(d) Lodging place means any bed and breakfast, campground, condominium, hotel, inn, motel, rooming house, time share business, tourist cabin, tourist camp, tourist home, or similar establishment within the county which offers lodging, for compensation, to any transient.

(e) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.
(Ord. No. 56A-11, 10-22-02)

State law reference-Code of Va., § 35.1-9

Sec. 15-38. False registration by guests.

It shall be unlawful for any person to write, or cause to be written, or knowingly permit to be written, in any guest register in any lodging place in the county, any other or different name or designation than the true name of the person registered therein, or the name by which such person is generally known, or to enter false information regarding any vehicle. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(Ord. No. 56A-11, 10-22-02)