

**TITLE ONE
TOWN OF BRIDGEWATER
CRIMINAL CODE**

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CHAPTER 1
Introduction and General Provisions

§1-1. Authority. This title is enacted pursuant to the authority vested in the town by §§ 15.2-101, 15.1-839 and 15.2-1102 of the Code of Virginia and § 1 of the Charter of the Town of Bridgewater. Sections of this title may have additional authority as well. (Enacted August 12, 1986; Amended July 14, 1998)

§1-2. Definitions. The word "person" as used in this title includes all individual, corporations, firms, associations, and bodies politic. Other terms used shall be construed as defined in the Code of Virginia, particularly §§ 1-13.1 through 1-13.34. The use of the masculine gender includes the feminine gender as well. (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-3 General Penalty for Violation of This Title. Any person who violates any section of this title for which a punishment is not specifically provided shall be guilty of a class 1 misdemeanor; provided however, no punishment shall exceed the punishment established for such offense in the Code of Virginia. (See generally Code of Virginia, § 18.2-12) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-4. Punishments for Classes of Misdemeanors. The authorized punishments for conviction of a violation of this or another title are:

- (a) For class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- (b) For class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000, either or both.
- (c) For class 3 misdemeanors, a fine of not more than \$500.
- (d) For class 4 misdemeanors, a fine of not more than \$250.

(See Code of Virginia, § 18.2-11) (Enacted August 12, 1986; Amended July 14, 1998)

§1-5. Injunctive Relief Against Continuing Violations of Ordinances. The town, in addition to the penalty imposed for the violation of any ordinance, may seek to enjoin the continuing violation thereof by proceedings for an injunction brought in the Circuit Court of Rockingham County, Virginia. (See Code of Virginia, § 15.2-1432) (Enacted August 12, 1986; Amended July 14, 1998)

CHAPTER 2
Animals

§1-6. Cruelty to Animals. Any person who

- (a)
 - (1) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with a bona fide scientific or medical experiment on any animal; or
 - (2) cruelly or unnecessarily beats, maims or deprives any animal of necessary substance, food, drink, or shelter; or
 - (3) causes any of the above things, or being the owner of such animal permits such acts to be done by another, or
- (b) willfully instigates, engages in, or in any way furthers any act of cruelty to any animal; or
- (c) carries or causes to be carried in or upon any vehicle any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering shall be guilty of a class 1 misdemeanor.

Any person who shall abandon any dog, cat, or other domesticated animal in any public place or on the property of another shall be guilty of a class 3 misdemeanor.

Nothing in this section shall be construed to prohibit the dehorning of cattle. (See Code of Virginia, § 3.1-796.122) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-7. *Fighting Cocks, Dogs or Other Animals.* Any person engaged in the fighting of cocks, dogs, or other animals, for money, prize, or anything of value, upon the result of which any money or other thing of value is bet or wagered or to which an admission fee is charged, directly or indirectly, for any championship, shall be guilty of a class 3 misdemeanor (See Code of Virginia, § 3.1-796.125) (Enacted August 12, 1986; Reenacted July 14, 1998)

CHAPTER 3 ***Minors***

§1-8. *Minors in Pool Rooms.* Any minor who frequents, plays in, or loiters in any public pool room or billiard room, or any proprietor or agent thereof who permits any minor to do the same in any such place within the town, shall be guilty of a class 3 misdemeanor. (See Code of Virginia, §§E 18.2-432 and 15.2-926) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-9. *Certain Sales to Minors.*

- (a) Any person who sells, barter, gives, furnishes, or causes to be sold, bartered, given, or furnished to any minor a rifle, shotgun, tear gas pin, pistol, dirk, switchblade knife, or bowie knife having good cause to believe him to be a minor shall be guilty of a class 1 misdemeanor. This subsection shall not apply to any transfer of firearms made between family members or for the purpose of engaging in a sporting event or activity. (See generally Code of Virginia, § 18.2-309)
- (b) Any person who sells, barter, gives, furnishes, or causes to be sold, bartered, given, or furnished to any other person under sixteen (16) years of age cigarettes or tobacco in any form, having good cause to believe him to be under 16 years of age shall be guilty of a class 4 misdemeanor.

(Enacted August 12, 1986; Amended July 14, 1998)

§1-10. *Curfew.* Any minor upon the streets or in any other public place in the town after 11:00 p.m., unless accompanied by a parent or a legal guardian or other person of majority age lawfully in charge of such minor, shall be guilty of a class 4 misdemeanor. Any parent, guardian, or other person having custody of a minor who allows the minor to violate this section, shall also be guilty of a class 4 misdemeanor. Nothing in this section shall be construed to prohibit an unaccompanied minor from attending meetings held in connection with religious exercises, schools, scouting or other such organizations, nor shall this section be applied if such minor is involved in an emergency, legitimate employment, or an errand for his parents, guardian or other person having custody of such minor. (See Code of Virginia, § 15.2-926) (Enacted August 12, 1986; Reenacted July 14, 1998)

CHAPTER 4 ***Miscellaneous Conduct***

§1-11. *Assault and Battery.* Any person who commits a simple assault or assault and battery shall be guilty of a class 1 misdemeanor. (See generally Code of Virginia, § 18.2-57) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-12. *Resisting an Officer, Employee, or Agent of the Town.* Any person who, by threats or force, attempts to intimidate or impede any officer or employee of the town in the discharge of his or her duty or any other person in the execution of work for the town, shall be guilty of a class 1 misdemeanor. (See generally Code of Virginia, §§ 15.2-1102 and 18.2-460) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-13. Prisoner Fleeing Custody of Officer. Any person lawfully confined in jail or lawfully in the custody of any court or officer thereof or of any law-enforcement officer on a charge or conviction of a criminal offense, who escapes therefrom, shall be guilty of a class 1 misdemeanor if such escape is by force or violence, including setting fire to the jail and a class 2 misdemeanor if such escape is otherwise than by force or violence. (See generally Code of Virginia, §§ 18.2-478 and 18.2-479) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-14. Petit Larceny. Any person who

- (a) commits larceny from the person of another of money or other thing of value of less than \$5.00, or
- (b) commits simple larceny not from the person of another of goods or chattels of value of less than \$200.00,

shall be guilty of a class 1 misdemeanor. (See Code of Virginia, § 18.2-96) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-15. Shoplifting. Any person who, without authority, with the intention of converting goods or merchandise to his or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of goods or merchandise,

- (a) willfully conceals or takes possession of the goods or other merchandise of any store or mercantile establishment, or
- (b) alters price tags or markings or other price or marking on such goods or merchandise, or transfers goods from one container to another, or
- (c) counsels, assists, aids, or abets another in the performance of the above acts,

shall be guilty of a class 1 misdemeanor.

The willful concealment of goods or merchandise of any store or other mercantile establishment while still on the premises thereof shall be prima facie evidence of an intent to convert and defraud the owner thereof out of the value of the goods or merchandise. (See Code of Virginia, §§ 18.2-103 and 18.2-104) (Enacted August 12, 1986; Amended July 14, 1998)

§1-16. Peeping or Spying into the Structure Occupied as a Dwelling. Any person who enters upon the property of another and secretly or furtively peeps through or attempts 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, being permanently situated or transportable, whether or not such occupancy be permanent or temporary, shall be guilty of a class 1 misdemeanor. (See Code of Virginia, § 18.2-130) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-17. Defrauding Garage Keepers. Any person who stores a motor vehicle with any person, firm, or corporation engaged in the business of conducting a garage for the:

- (a) Storage of motor vehicles;
- (b) Furnishing of supplies to motor vehicles; or
- (c) Alteration or repair of motor vehicles,

and obtains storage, supplies, alterations or repairs for such motor vehicle, without having an express agreement for credit, or procures storage, supplies, alterations or repairs on account of such motor vehicle so stored, without paying therefore, and with the intent to cheat or defraud the owner or keeper of such garage; or with such intent obtains credit at such garage for such storage, supplies, alterations or repairs through misrepresentation or false statement; or with such intent removes or causes to be removed any such motor vehicle from any such garage while there is a lien existing thereon for the proper charges due from him for storage, supplies, alterations or repairs shall be guilty of a class 2 misdemeanor. (See Code of Virginia, § 18.2-189) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-18. Defrauding Certain Businesses. Any person who puts up at a hotel, motel, campground, or boarding house or gains entrance to an amusement park or obtains food from a restaurant or other eating house without paying therefore, without having an express agreement for credit, and with the intent to cheat or defraud the owner or keeper of such business out of pay for the same; or with the intent to cheat or defraud such owner or keeper out of pay therefore, obtains credit by means of any false show of baggage or effects or any other misrepresentation or false statement; or with such intent, causes to be removed or removes any baggage or effects from such place of business while there is a lien existing thereon for the proper charges due such owner or keeper, shall be guilty of a class 1 misdemeanor. (See Code of Virginia, § 18.2-188) (Enacted August 12, 1986; Amended July 14, 1998)

§1-19. Trespassing. Any person who, without authority, goes upon or remains upon the lands, buildings, or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises, or a portion or area thereof, at a place or places where it or they may be reasonably seen or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-278.2, 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15 or 16.1-279.1 of the Code of Virginia or ex parte order issued pursuant to § 20-103 of the Code of Virginia, and after having been served with such an order, shall be guilty of a class 1 misdemeanor. (See Code of Virginia § 18.2-119) (Enacted August 12, 1986; Amended July 14, 1998)

§1-20. False Entries or Destruction of Records by Officers. If a clerk of any court or any other public officer fraudulently make a false entry or erase, alter, secrete, or destroy any record, including a microphotographic copy, in his keeping and belonging to his office, he shall be guilty of a class 1 misdemeanor and shall forfeit his office and be forever incapable of holding any office of honor, profit or trust under the Constitution of Virginia. (See Code of Virginia, § 18.2-472) (Enacted August 12, 1986; Amended July 14, 1998)

§1-21. Theft or Destruction of Public Records by Other Than Officer. If any person steal, fraudulently secrete, or destroy a public record or part thereof, including a microphotographic copy thereof, he shall be guilty of a class 1 misdemeanor. (See Code of Virginia, § 18.2-107) (Enacted August 12, 1986; Amended July 14, 1998)

§1-22. Destroying or Damaging Property. Any person who unlawfully takes, carries away, defaces, disfigures, cuts, marks, breaks, or otherwise injures or destroys, in whole or in part, any property not his own (whether it be real or personal, public or private) shall be guilty of a class 1 misdemeanor provided, this section shall not apply to injuries to or the destruction of living plants. (See Code of Virginia, §§ 18.2-137, 18.2-138 and 18.2-138.1) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-23. Destruction of Trees, Shrubs, etc. It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn, or destroy, in whole or in part, any tree, shrub, vine, plant, flower, or turf found growing or being upon the land of another, or upon any land reserved, set aside, or maintained by the town as a public park or square, or as a refuge or sanctuary for wild animals, birds, or fish without having previously obtained the permission in writing of such other or his agent or the superintendent of the town or other delegated official to do so unless the same be done under the personal direction of such owner, his agent, tenant, or lessee, or the superintendent of the town or such other delegated official.

Any person violating this section shall be guilty of a class 3 misdemeanor; provided that the approval of the owner, his agent, tenant, or lessee, or the superintendent or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit. (See Code of Virginia, §§ 18.2-138.1, 18.2-139, 18.2-140) (Enacted August 12, 1986; Amended July 14, 1998)

§1-24. Drinking in Public. Any person who takes a drink or tenders a drink, whether accepted or not, of any alcoholic beverage, as defined in § 4.1-100 of the Code of Virginia in a public place, as defined in such Code in § 4.1-100, within the town, other than in an establishment licensed for on-premises consumption by the Virginia Alcoholic Beverage Control Commission, shall be guilty of a class 4 misdemeanor. (See Code of Virginia, § 4.1-308) (Enacted August 12, 1986; Amended July 14, 1998)

§1-24.1 Open Alcoholic Beverage Containers. It shall be unlawful for any person to possess an open alcoholic beverage container while in a public park or playground, or on a public street. Any violation of this section shall constitute a Class 4 misdemeanor. (See Code of Virginia § 4.1-128.) (Enacted August 14, 2001.)

§1-25. Wells and Pits. Any person owning or occupying land on which there is a well or pit having a diameter greater than six (6) inches and a depth of more than ten (10) feet that is left uncovered in such a manner as to be dangerous to human beings, animals, or fowl shall be guilty of a class 3 misdemeanor. Any such condition existing on abandoned property shall be abated by the town Superintendent or other officer to whom such duty is delegated with all reasonable costs thereof charged and collected against such property in the same manner as local real estate taxes. Every day of continuance of such condition shall constitute a separate offense. (See Code of Virginia, §§ 18.2-318, 15.2-1115) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-26. Abandoned Refrigerators and Containers. Any person, firm, or corporation who discards, abandons, leaves or allows to remain in any place any icebox, refrigerator, or other container with an airtight interior storage area of more than two cubic feet of clear space without first removing the doors or hinges, shall be guilty of a class 3 misdemeanor; however, this section does not apply to any icebox, refrigerator, or other container being used for the purpose for which it was originally designed, being used for display purposes by any retail or wholesale merchant, or having been crated, strapped, or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment therein. (See Code of Virginia, § 18.2-319) (Enacted August 12, 1986; Amended July 14, 1998)

§1-27. Littering Streets, Roads, Alleys or Other Public Property. Any person who throws or deposits or causes to be thrown or deposited upon any public property, including a public street, road, or alley within the town any bottles, glass, nails, tacks, wire, cans, garbage, refuse or other unsightly or dangerous material, shall be guilty of a class 1 misdemeanor unless such person shall immediately remove or cause to be removed all such materials. Any person removing a wrecked or damaged vehicle from any public property, or public street, road, or alley within the town shall remove any glass or other injurious material deposited upon such public way by such vehicle. (See Code of Virginia, §§ 33.1-346 and 33.1-346.1) (Enacted August 12, 1986; Amended July 14, 1998)

§1-28. False Reports to Police Officers. Any person who knowingly gives a false report as to the commission of any crime to any law-enforcement official with the intent to mislead, without just cause and with intent to interfere with the operations of any law enforcement official, to call or summon any law enforcement official by telephone or other means, including engagement or activation of an automatic emergency alarm shall be guilty of a class 1 misdemeanor. (See Code of Virginia, § 18.2-461) (Enacted August 12, 1986; Amended July 14, 1998)

§1-29. False Fire Alarms. Any person who, without just cause therefore, calls or summons, by telephone or otherwise, any ambulance or fire-fighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building used for public assembly or other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers, malls, coliseums and arenas, regardless of whether fire apparatus responds or not, shall be guilty of a class 1 misdemeanor. (See Code of Virginia, § 18.2-212) (Enacted August 12, 1986; Amended July 14, 1998)

§1-30. Unfriendly Fires. Any person who sets or procures another to set fire to any woods, brush, leaves, grass, straw or any other inflammable substance capable of spreading fire and who allows the fire to escape to lands not his own, whereby the property of another is damaged or jeopardized shall be liable for the full amount of expenses incurred in fighting such fire. If such fire is set intentionally, such person shall be guilty of a class 1 misdemeanor. If such fire is set carelessly or negligently, such person shall be guilty of a class 4 misdemeanor. (See Code of Virginia, §§ 15.2-1118, 18.2-87, and 18.2-88) (Enacted August 12, 1986; Amended July 14, 1998)

§1-31. Interference with Fire Apparatus and Sewer Lines. Any person who, interferes or tampers with fire-fighting equipment within the town (including, but not limited to willfully diverting or wasting a public water supply or tampering with a fire hydrant) shall be guilty of a class 2 misdemeanor. Any person who willfully and maliciously diverts any public waste water or sewer line shall also be guilty of a class 2 misdemeanor. (See Code of Virginia, § 18.2-162.1) (Enacted August 12, 1986; Amended July 14, 1998)

§1-32. Interference with Public Services or Utilities. Any person who intentionally interferes or tampers in any authority which is used to furnish oil, telegraph, telephone, electric, gas, sewer, waste water or water service to the public, shall be guilty of a class 3 misdemeanor. (See Code of Virginia, §§ 18.2-162 and 18.2-164) (Enacted August 12, 1986; Amended July 14, 1998)

§1-33. Pulling Down Fences or Leaving Gates Open. Any person, who without permission of the owner, pulls down the fence of another and leaves the same down, or, without permission, opens and leaves open the gate of another, or any gate across a public road established by order of court or if any person other than the owner or owners of the lands through which a line of railroad runs, who opens and leaves open a gate at a public or private

crossing of the railroad right-of-way, shall be guilty of a class 4 misdemeanor. (See Code of Virginia, § 18.2-143) (Enacted August 12, 1986; Amended July 14, 1998)

§1-34. Masquerading. Any person over the age of 14 who publicly wears a mask or uses other means of disguise to conceal his or her identity at any time within the town, shall be guilty of a class 4 misdemeanor. However, this section does not apply to persons representing legitimate, charitable, social or patriotic organizations or to persons engaged in public entertainment. (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-35. Disorderly Conduct in Public Places. 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:

- (a) in any streets, highways, public buildings, or while in or on a public conveyance, or public place engage in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; or
- (b) willfully or being intoxicated, whether willfully or not, whether such intoxication results from self administered alcohol, or other drugs of whatever nature, disrupts any meeting of the governing body of any political subdivision of the Commonwealth, or a division or agency thereof, or any school, literary society or place of worship, if the 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, the disruption is directed; or
- (c) willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self administered alcohol or other drugs of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (/) prevents or interferes with the orderly conduct of the operation or activity or (/) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

However, the conduct prohibited under sub-sections (a), (b), or (c) of this section shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title.

The person in charge of such place or meeting may eject therefrom any person who violates any provisions of the section with the aid, if necessary, of any persons called upon for such purpose. Such violators shall be guilty of a class 1 misdemeanor. (See Code of Virginia, §§ 15.2-925 and 18.2-415) (Enacted August 12, 1986; Amended July 14, 1998)

§1-36. Loitering or Loafing. Any person loitering or standing on any street, sidewalk, curb or upon or around any public place whether on public or private property who fails to move on after being requested to do so by a policemen, shall be guilty of a class 4 misdemeanor and shall cease to occupy such position on the street, sidewalk, or curb. (See Code of Virginia, § 15.2-926) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-37. Unauthorized Fill Material. Any person who uses materials such as tree stumps, brush, prunings, lumber, undecomposed organic matter, scrap metal, paper, or any other trash, garbage or undecomposed waste material for fill material in any place other than an officially designated sanitary fill, shall be guilty of a class 4 misdemeanor, shall be liable for the removal and disposal of the prohibited fill material, and shall be liable for proper refilling or the costs thereof which shall be charged and collected in the same manner as local real estate tax. The intent of this section is to prevent the improper use of such material in fills which may subsequently rot, decay, rust, or otherwise decompose and result in abnormal settling or cave-ins and prevent the timely use of lands thus filled, or result in an eventual hazard to health, life, limb, or property. (See Code of Virginia, §§ 15.2-927, 15.2-1113 and 15.2-1115) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-38. Hand Bills. Any person who:

- (a) distributes or causes to be distributed any hand bills in such a manner so as to interfere with the safe and orderly flow of traffic on any sidewalk or street;
- (b) places or causes to be placed any hand bill in or upon any automobile or other vehicle unless the owner thereof demonstrates his willingness to accept it;
- (c) distributes or causes to be distributed any hand bill in or upon any private premises which are then

uninhabited and vacant;

- (d) distributes or causes to be distributed any hand bill, in or upon private premises which are inhabited in a manner other than by handing it directly to the owner, occupant, or other person then present in or upon such private premises; provided hand bills may be placed securely thereon so as to prevent being blown about such inhabited premises or elsewhere unless requested by anyone upon such premises not to do so or unless a sign is posted conspicuously upon such premises in any manner indicating the occupants do not desire to have hand bills left upon such premises;
- (e) affixes in any way a hand bill, poster, or advertisement to any public property, real or personal, including telegraph, telephone, electric transmissions poles and trees, except as may be authorized by law; or
- (0) throws, places, or distributes or causes to be thrown, placed, or distributed any commercial hand bill in or upon any place within the town,

shall be guilty of a class 4 misdemeanor.

Non commercial hand bills may be distributed in any public place to those persons willing to accept them. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 1-39. Establishing Police Lines, Perimeters, or Barricades. Whenever fires, accidents, wrecks, explosions, crimes, riots or other emergency situations where life, limb or property may be endangered, may cause persons to collect on the public streets, alleys, highways, parking lots or other public area, the chief law enforcement officer of the town (or that officer's authorized representative who is responsible for the security of the scene) may establish such areas, zones or perimeters by the placement of police lines or barricades as are reasonably necessary to:

- (1) preserve the integrity of evidence at such scene,
- (2) facilitate the movement of vehicular and pedestrian traffic into, out of, and around the scene,
- (3) permit firefighters, police officers, and emergency service personnel to perform necessary operations unimpeded, and
- (4) protect persons and property.

Any police line or barricade erected for these purposes shall be clearly identified by wording such as "Police Line - DO NOT CROSS" or other similar wording. If material or equipment is not available for identifying the prohibited area, then a verbal warning by identifiable law-enforcement officials positioned to indicate a location of a police line or barricade shall be given to any person or persons attempting to cross police lines or barricades without proper authorization.

Such scene may be secured no longer than is reasonably necessary to effect the above-described purposes. Nothing in this section shall limit or otherwise affect the authority of, or be construed to deny access to such scene by, any person charged by law with the responsibility of rendering assistance at or investigating any such fires, accidents, wrecks, explosions, crimes, or riots.

Personnel from information services such as press, radio, and television, when gathering news, shall be exempt from the provisions of this section except that it shall be unlawful for such persons to obstruct the police, firemen, and rescue workers in the performance of their duties at such scene. Such personnel shall proceed at their own risk. (See Code of Virginia, § 15.2-1714) (Enacted August 12, 1986; Amended July 14, 1998)

§1-40. Removal, Repair, etc of Buildings and Other Structures.

- (a) The owners of property located within this town shall, at such time or times as the Town Council may prescribe, remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents of the town;
- (b) The Town Council, through its own agents or employees may remove, repair, or secure any

building, wall, or any other structure which might endanger the public health or safety of other residents of the town if the owner and lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure the building, wall, or other structure. For purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice includes a written notice (f) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (if) published once a week for two successive weeks in a newspaper having general circulation in the locality. No action shall be taken by the locality to remove, repair or secure any building, wall or other structure for a least thirty days following the latter of the return of the receipt or newspaper publication.

- (c) In the event the Town Council, through its own agents or employees, removes, repairs, or secures any building, wall or any other structure after complying with the notice provisions of this section, the costs or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected;
- (d) Every change authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid, shall constitute a lien against such property, ranking on a parity with liens for unpaid taxes and enforceable in the same manner as provided in Article 3 (§E58.1-3940 *et seq.* and § 58.1-3965 *et seq.*) of Chapter 39 of Title 58.1 of the Code of Virginia.

(See Code of Virginia, § 15.2-906) (Enacted August 12, 1986; Amended July 14, 1998)

§1-41. Fee for Passing Bad Check to Town. Any person, firm, or corporation uttering, publishing, or passing any check or draft for payment of taxes or any other sums due to this town, which is subsequently returned for insufficient funds, or because there is no bank account or the account has been closed shall, in addition to any other penalties provided by law, pay a fee to the town of \$20.00. (See Code of Virginia, § 15.2-106) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-42. Penalty and Interest for Failure to Pay Accounts When Due. Any person failing to pay an account due the town on its due date (other than taxes which are provided for in Title 58.1) shall incur a penalty thereon of 10% or \$10.00, whichever is greater, which shall be added to the amount of the account due from such person. No penalty shall be imposed for failure to pay any account if the Town Treasurer determines that such failure was not in any way the fault of the debtor. Interest at the rate of 10% annually from the first day following the day such account is due, may be collected upon the principal and penalty of all such accounts. (See Code of Virginia, § 15.2-105) (Enacted August 12, 1986; Amended July 14, 1998)

§1-43. Indecent Exposure. Every person who intentionally makes 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 procures another to so expose himself, shall be guilty of a class 1 misdemeanor. No person shall be deemed to be in violation of this section for breast feeding a child in any public place or any place where others are present. (See Code of Virginia, § 18.2-387) (Enacted August 12, 1986; Amended July 14, 1998)

§1-44. Profanity, Swearing and Intoxication in Public, etc Any person who profanely curses or swears or is intoxicated in public, whether such intoxication results from alcohol, narcotic drugs or other intoxicant or drugs of whatever nature shall be deemed guilty of a class 4 misdemeanor. If there is located within the area of this town or Rockingham County or the City of Harrisonburg, a court-approved detoxification center, a law-enforcement officer may authorize the transportation, by police or otherwise of public inebriates, to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center. (See Code of Virginia, § 18.2-388) (Enacted August 12, 1986; Amended July 14, 1998)

§1-45. Expectorating in Public Places. No person shall spit, expectorate, or deposit any sputum, saliva, mucus, or any form of saliva or sputum upon the floor, stairways, or upon any part of any public building or place where the public assemble, or upon the floor of any part of any public conveyance or upon any sidewalk abutting on any public street, alley, or lane of this town. Any person violating any provision of this section shall be guilty of a class 4 misdemeanor. (See Code of Virginia, § 18.2-322 and C.T.) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-45.1 Urination and Defecation in Public

- (a) No person shall urinate or defecate in any public building (except in an appropriate toilet facility); or upon any street, sidewalk, alley or other public property; or in any other place where such person is visible to public view.
- (b) Any person violating this section shall be guilty of a class 4 misdemeanor and shall be punished in accordance with § 1-4. (Enacted December 8, 1987; Reenacted July 14, 1998)

§1-46. Illegal Gambling. Any person making, placing, receiving or permitting any bet or wager within the town of money or other thing of value made in exchange for a chance to win a prize, stake or other consideration dependent upon the result of any game, contest or other event the outcome of which is uncertain or a matter of chance, shall be guilty of a class 3 misdemeanor.

This section does not apply to any volunteer fire department, rescue squad, corporation, trust, church, association, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, community service, educational purposes, or any post or association of war veterans or auxiliary units which shall engage in such activities in no part of the gross receipts of which shall inure to the benefit of any member thereof.

Nothing in this section shall be construed to make it unlawful to participate in a game of chance conducted in a private residence provided such residence is not commonly used for such games of chance, and there is no operator as defined in § 18.2-325(3) of the Code of Virginia, nor shall anything in this section be construed to prevent any contest of speed or skill between men, animals, fowl or vehicles where the participants (or their owners) may receive prizes depending upon whether they win or lose. (See Code of Virginia, §§ 18.2-326, 18.2-333 and 18.2-334) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-47. Illegal Gambling Devices. Any person maintaining or permitting the use of a gambling device within the town shall be guilty of a class 3 misdemeanor. A gambling device is any machine, apparatus, implement, instrument, contrivance, board or other thing (including, but not limited to those dependent upon the insertion of a coin or other object for their operation) which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that depending on elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled. However, the return to the user of nothing more than additional chances or the right to use the machine is not something of value, and machines that only sell different items of merchandise of equivalent value are not gambling devices. (See Code of Virginia, §§ 18.2-325 and 18.2-326) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-48 Injuring Vehicles. Any person who shall individually or in association with one or more others willfully break, injure, tamper with, or remove any part or parts of any motor vehicle, trailer, or semi-trailer for the purpose of injuring, defacing or destroying such motor vehicle, trailer or semi-trailer, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such motor vehicle, trailer or semi-trailer, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such motor vehicle, trailer or semi-trailer, shall be guilty of a class 1 misdemeanor. (See Code of Virginia, § 18.2-146) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-49. Entering or Setting Vehicles in Motion. Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, climb into or upon such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, with intent to commit any crime, malicious mischief, or injury thereto, or who, while a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to set into motion such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, with the intent to commit any crime, malicious mischief, or injury thereto, shall be guilty of a class 1 misdemeanor, except that the foregoing provision shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or performance of any other official duty. (See Code of Virginia, § 18.2-147) (Enacted August 12, 1986; Reenacted July 14, 1998)

CHAPTER 5

Nuisances

§1-50. Abatement or Removal of Nuisances. The Town Council, acting either as a body or through the Town Superintendent or other delegated officer, may compel the abatement or removal of all nuisances, including but not limited to:

- (a) the removal of weeds from private or public property and snow from sidewalks,
- (b) the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises,
- (c) the filling in to street level, fencing, or protection by other means of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb,
- (d) the raising or draining of ground subject to being covered by stagnant water,
- (e) the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupant thereof or the public.

If thirty (30) days elapse after written notice from the Town Council or officer to whom the authority is delegated to the owner or occupants of such property without such condition being abated or removed, the town may abate it or remove it, charging the cost thereof to such owner or occupant and collecting such costs in the same manner as the local real estate tax. (See Code of Virginia, § 15.2-1115) (Enacted August 12, 1986; Amended July 14, 1998)

§1-50.1 (Repealed October 10, 2013. See § 17-6.1.)

§1-51. Abandoned or Immobile Vehicles. Any motor vehicle, trailer, semi-trailer or parts thereof which are (1) left unattended on a public highway or other public property and constitute a traffic hazard, or (2) illegally parked or (3) left unattended for more than 10 days either on public property or private property without the permission of the owner, leasee, or occupant or (4) immobilized on a public highway by weather conditions or other emergency situations, may be removed for safekeeping by the Town Police to a designated storage area; provided, however, no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant thereof.

Such vehicle shall be presumed to be abandoned if such vehicle lacks

- (a) (1) a current license plate, or
- (2) a current town sticker, or
- (3) a valid state inspection sticker; and
- (b) has not been moved for four (4) days or longer.

The person at whose request such vehicle is removed from privately owned property shall indemnify the town against loss or expense incurred by reason of such removal, storage, or sale thereof and costs incurred in locating the owner. No motor vehicle, trailer, semi-trailer, or parts thereof will be removed from private property without the written request of the owner, leasee, or occupant of the premises.

Each removal shall be reported immediately to the office of the Town Superintendent who shall in turn cause written notice to be given to the owner of such vehicle as promptly as possible. The owner shall pay the town all reasonable charges incidental to such removal and storage prior to reobtaining possession of such vehicle. Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles in Virginia against the motor vehicle, trailer, semi-trailer or parts thereof, the vehicle shall be treated as a abandoned vehicle. The Town Superintendent may then, after holding the motor vehicle, trailer, semi-trailer or parts thereof for 30 days and after due notice of sale, dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the Town Treasurer; provided, that if the value of such motor vehicle, trailer, semi-trailer, or parts thereof be determined by three disinterested dealers or garagemen to be less than one hundred fifty dollars it may be

disposed of by private sale or junked. The treasurer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

If no claim has been made by the owner for the proceeds of such sale, the remaining funds may be deposited to the general fund or any special fund of the town. Any such owner shall be entitled to apply to the town within three years from the date of such sale and if timely application is made therefore, the town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceedings be instituted for the recovery of such funds after three years from the date of such sale. (See Code of Virginia §§ 46.2-1200, 46.2-1201, 46.2-1213 and 46.2-1217)

This section shall not operate to deprive anyone of any lawful recourse against abandoned or improperly parked cars or their owners. (Enacted August 12, 1986; Amended July 14, 1998)

§1-52. Restriction of Keeping of Inoperative Motor Vehicles, etc.; Removal of Such Vehicles.

- (a) It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial or agricultural purposes any inoperative motor vehicle, trailer, or semi-trailer, as such are defined in § 46.2-100 of the Code of Virginia. As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle (a) which is not in operating condition, or (b) which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle, or (c) for which there are displayed neither valid license plates nor a valid inspection decal. The provisions of these sections shall not apply to a licensed business, which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.
- (b) The owners of property zoned for residential, commercial, or agricultural purposes shall, at such time or times as the Town Council may prescribe, remove therefrom any such inoperative motor vehicles, trailers, or semi-trailers that are not kept within a fully enclosed building or structure. The council, through its own agents or employees, may remove any such inoperative motor vehicles, trailers, or semi-trailers, whenever the owner of the premises, after reasonable notice, has failed to do so. In the event the council, through its own agents or employees, removes any such motor vehicles, trailers, or semi-trailers, after having given such reasonable notice, the town may then dispose of such motor vehicles, trailers, or semi-trailers after giving additional notice to the owner of the vehicle. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the town however taxes are collected; and every cost authorized by this section with which the owner of the premises shall have been assessed, shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the town. (See Code of Virginia, § 15.2-904) (Enacted August 12, 1986; Amended July 14, 1998)
- (c) It shall be unlawful for any person, firm or corporation to keep more than one inoperable motor vehicles which are kept outside of a fully enclosed building or structure and which are shielded or screened from view by covers. (See Code of Virginia, § 15.2-904) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-52.1 Automobile Graveyards.

- (a) No person, firm, corporation, or other entity shall operate or maintain an automobile graveyard in the town unless it is completely screened from public view at all times by a fence, structure, trees, or shrubbery. Any fence, structure, trees, or shrubbery used to screen an automobile graveyard shall be at least 50" high. (See Code of Virginia, § 15.2-903)
- (b) For the purposes of this section, the term "automobile graveyard" shall mean 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. (See Code of Virginia, § 33.1-348)

- (c) This section shall not be construed as authorization for the establishment or maintenance of any automobile graveyard.

(Enacted May 15, 1987; Reenacted July 14, 1998)

§1-53. Public Dance Halls. Any person who, without a permit, operates a public dance hall within the town shall be guilty of a class 3 misdemeanor. Such permit may be obtained from the Town Council or an official designated by it upon satisfactory evidence that the applicant is a proper person to receive the same. The Town Council may revoke such permit at any time for good cause. Such permit shall prohibit minors from entering or remaining in such dance halls while dancing is conducted, unless accompanied by a parent or legal guardian, brother or sister of majority age, or upon written permission of such parent or legal guardian. Dance halls shall close from 12:00 midnight to 6:00 a.m. Monday through Friday and from 12:00 midnight Saturday to 6:00 a.m. Monday. Any person violating the provisions of such permit shall be guilty of a class 3 misdemeanor and subject to permit revocation by Town Council.

A "dance hall" is any place open to the general public where dancing is permitted; however, this section does not apply to dances held for benevolent or charitable purposes or where the same are conducted under the auspices of religious, civil, military or educational organizations. (See Code of Virginia, § 18.2-433) (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 1-54. Noise.

- (a) Title. This section shall be known and may be cited as the "Bridgewater Noise Ordinance."
- (b) Findings. The Council finds and declares that excessive Noise is a serious hazard to the public health, welfare, peace and safety and the quality of life, particularly when it intrudes into the residential lives of Town citizens.
- (c) Definitions. The following terms, when used in this section, shall have the meanings ascribed to them in this paragraph (c), except where context clearly indicates a different meaning:
- "Across a Residential Property Line" means (i) from one parcel of real estate in a Residential Area onto another parcel of real estate, of different ownership, in a Residential Area or (ii) from any point in a Residential Area, through the walls or closed windows of a Dwelling Unit, and into the interior thereof.
 - "Dwelling Unit" carries the meaning set forth in § 6-22 of this Code.
 - "Motor Vehicle" carries the meaning set forth in § 46.2-100 of the Code of Virginia.
 - "Noise" means sound of any kind.
 - "Officer" means any employee or agent designated by the Superintendent to enforce the provisions of this section.
 - "Plainly Audible" means any Noise that can be detected by a person using his or her unaided hearing faculties. Specific words or phrases need not be discernable. The detection of bass reverberations is sufficient to constitute Plainly Audible Noise.
 - "Residential Area" means property zoned R-1, R-2, or R-3 under Title 6 of this Code, irrespective of any overlays or special-use permits which may apply.
 - "Sporadic Noise" means Noise which is both (i) less than five seconds in duration **and** (ii) not produced more than three times in any two-hour period.
 - "Superintendent" means the Town Superintendent or his designee.
- (d) Temporary permits.
- (1) Requirements and Procedures. The Superintendent is authorized to issue a temporary permit to allow Noise which would otherwise be prohibited by this section, when such Noise is produced by a temporary use or activity. He may prescribe any reasonable conditions necessary to minimize any adverse effect upon the community. A permit granted under this paragraph (d) shall contain all conditions upon which the permit has been granted, including the period of time for which it has been granted.
 - (2) Violation of Temporary Permit. Failure to comply with any condition of a temporary permit

issued pursuant to this subsection shall constitute a violation and shall result in enforcement procedures and penalties as set forth in paragraph (h) below.

- (3) *Revocation of Temporary Permit.* Any temporary permit may be immediately revoked if the Superintendent finds (i) that an emergency condition exists involving serious danger to the public health, safety, or welfare, (ii) if the permit holder failed to disclose or misrepresented material information in the permit application or in the permit application process, or (iii) that there was a failure to comply with any condition of that particular temporary permit.
- (e) *Residential Areas.* In Residential Areas, no person shall cause (or permit to be caused) any of the following Noise:
- Between the hours of 9:30 p.m. and 7:30 a.m., any Noise which is Plainly Audible from a point (i) greater than 100 feet from the source of the Noise **and** (ii) Across a Residential Property Line;
 - Between the hours of 11:00 p.m. and 6:30 a.m., any Noise which is Plainly Audible Across a Residential Property Line.

Legislative Intent. The violation of this ordinance occurs where the noise is created, not where its effects are felt. Thus, paragraph (e) does not regulate noise which emanates in non-residential areas, even if such noise might be heard in residential areas. There are certain risks inherent in living near commercial or industrial areas which cannot reasonably be eliminated by regulation.

- (f) Without limiting the prohibitions in paragraph (e), the following Noise is prohibited in all areas:
- *Amplified Noise for Advertising.* Any amplified Noise, Plainly Audible on a public street, produced for the purpose of advertising any building, structure or vehicle.
 - *Defects in Motor Vehicles.* The use of any Motor Vehicle so out of repair, so loaded, so equipped, or in such a manner as to create Noise Plainly Audible at a distance of 125 feet from its source.
 - *Construction and Landscaping Activities.* The outdoor operation of any bulldozer, crane, backhoe, front loader, pile driver, jackhammer, pneumatic drill, or other construction equipment between the hours of 9:00 p.m. and 7:00 a.m.
 - *Amplified Noise at Night.* Any amplified Noise Plainly Audible at a distance of 50 feet from its source between the hours of 12:00 a.m. and 7:00 a.m.
- (g) *Exceptions.* No provisions of this article shall apply to (1) the emission of sound for the purpose of alerting persons to the existence of an emergency; (2) the emission of sound in the performance of emergency work; (3) activities sponsored by the Town, state or federal governments; (4) activities authorized by a permit issued by the Superintendent; (5) activities for which the regulation of noise has been preempted by state or federal law; (6) Noise created by wild animals, though Noise created by a pet is the responsibility of the pet's custodian; (7) Sporadic Noise.
- (h) *Procedures.*
- (1) *Oral Warnings.* If an Officer observes a violation of this section without a complaint having been made, the Officer **may** first issue one oral courtesy warning per day and inform the violator that the violator will be subject to penalties if the violation continues.

- (2) *Written Warnings.* Before issuing a Notice of Violation, an Officer shall first issue a written warning to immediately cease the Noise, unless a written warning has been issued within 180 days preceding the date of violation. The written warning shall be substantially in the same form as the notice of violation. Failure to correct the violation within 15 minutes of the issuance of a written or oral warning may result in the issuance of a Notice of Violation pursuant to this section.

Legislative Intent. One written warning is mandatory, but if the warning is not heeded, it can be followed up with a Notice of Violation in 15 minutes.

- (3) *Notice of Violation.* If an Officer determines that a violation of this chapter has occurred—and if any written warning required by paragraph (h)(2) has been issued—the Officer may issue a notice of the violation to any or all persons committing, permitting, assisting in such violation.
- (4) *Voluntary Payment.* The Notice shall provide that the person charged with a violation may elect

to make an appearance in person, or in writing by mail, to the Town Treasurer, pay the civil penalty established for the violation, and abate any continuing violation, all within 14 days from the date of the Notice.

- (5) *Non-Payment; General District Court.* If a person charged with a violation does not satisfy the Notice of Violation as provided in paragraph (h)(4), the violation shall be tried in general district court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law.
- (6) *Civil Penalties.* In any disposition of a Notice of Violation under paragraphs (h)(4) or (h)(5), Any person who commits, permits, assists in or attempts any violation of this section, whether by act or omission, shall be liable for a civil penalty. All payments of these civil penalties are to be paid to the Town Treasurer. The penalties are as follows:
 - First violation. The first violation of this section shall be punished by a civil penalty in the amount of \$50.00.
 - Second violation. The second violation of this section by the same person, on the same property, or from the same set of operative facts, within 180 days of the first violation of this section shall be punished by a civil penalty in the amount of \$100.00.
 - Third violation. The third violation of this section by the same person, on the same property, or from the same set of operative facts within 180 days of the second violation of this section shall be punished by a civil penalty in the amount of \$500.00.
- (7) *Criminal Penalties.* The fourth (or subsequent) violation of this section by the same person, on the same property, or from the same set of operative facts, within 180 days of the third (or previous) violation of this section shall constitute a Class 2 misdemeanor, punishable under § 1-4 of this Code.
- (8) *Equitable Relief.* Nothing in this section shall limit the Town’s rights to seek injunctive relief with respect to a public nuisance or a landowner’s right to seek such relief with respect to a private nuisance.

(See Code of Virginia, §§ 15.2-918, 15.2-919 and 15.2-1115) (Enacted August 12, 1986; Reenacted July 14, 1998; Amended June 9, 2015.)

§ 1-54.1. Public Assemblies.

- (a) Definitions. For the purposes of this section the following terms shall have the meanings set out herein:
 - (1) “*Event*” means a Parade or Public Assembly, as defined herein.
 - (2) “*Parade*” means any march, demonstration, procession, or motorcade upon the streets, sidewalks, or other public areas of the Town that interferes with—or presents a Significant Probability of interfering with—the normal flow or regulation of pedestrian or vehicular traffic upon Public Space.
 - (3) “*Public Assembly*” means any meeting, demonstration, picket line, rally, or gathering of more than ten people for a common purpose as a result of prior planning that interferes with—or presents a Significant Probability of interfering with—
 - (i) The normal flow or regulation of pedestrian or vehicular traffic upon Public Space, or
 - (ii) The normal use of any Public Space.
 - (4) “*Public Space*” means any streets, sidewalks, or any other land of the Town which is open to the public generally.
 - (5) “*Significant Probability*” means more likely than not. When a decision maker is charged with finding significant probability, he shall base it on facts and circumstances then known to him, after reasonable inquiry.

LEGISLATIVE INTENT: The Council does not intend for there to be a formal hearing, but at the same time, it does not intend for a decision on Significant Probability to be based upon unarticulated beliefs. The Chief may rely on his own observations, hearsay, experts, new reports, and such other sources as he deems credible.

- (6) "*Spontaneous Event*" means an unplanned and unannounced coming together of people or vehicles in a Parade or Public Assembly which was not contemplated beforehand by any participant therein.
- (b) Permit Requirement. Except as provided in paragraph (c) below, it shall be unlawful for any person to conduct or participate in a Public Assembly or Parade on Public Space, unless a written permit is first issued in accordance with the provisions of this section.
- (c) Exceptions. The provisions of this section shall not apply to
- (1) Spontaneous Events;
 - (2) Recreational activities, including jogging or walking, that do not require closing public streets or other public rights-of-way and have no Significant Probability of interfering with the normal use of any Public Space;
 - (3) Door-to-door advocacy, including canvassing, pamphleteering, religious or political proselytizing and the distribution of written materials, and similar activities that do not interfere with—and have no Significant Probability of interfering with—the free passage on, or the use of, Public Space;
 - (4) Door-to-door sales of goods or services, and similar activities that do not interfere with—and have no Significant Probability of interfering with—the free passage on, or the use of, Public Space; provided, however, that any persons or organizations engaging in such activities shall comply with any other applicable requirements of the Town Code;
 - (5) Funeral processions;
 - (6) Students going to and from school classes or participating in school-sponsored educational activities, and
 - (7) Governmental agencies acting within the scope of their functions.
- (d) Application for Permit.
- (1) Any person desiring to conduct a Parade or Public Assembly shall make written application to the Chief of Police at least five days prior to the proposed event. Such application shall set forth the following information:
 - (i) The name, address and telephone number of the person requesting the permit;

PRACTICE NOTE: Additional contact information, such as an email address or social media addresses is useful. Parades and Public Assemblies sometimes require that contact be made in short order.

- (ii) The name and address of any organization or group the applicant is representing;
- (iii) The name, address, and telephone number of the person who will act as the Parade or Public Assembly leader and who will be responsible for the conduct of the parade or public assembly;

PRACTICE NOTE: Again, additional contact information is useful.

- (iv) A description of the activities planned during the Parade or Public Assembly.
- (v) The date, starting time, and ending time of the Parade or Public Assembly, and if the application is for a recurring series of Parades or Public Assemblies, the dates, starting times, and ending times of each.
- (vi) If a Public Assembly, the specific location or locations of the assembly.
- (vii) If a Parade, the specific assembly and dispersal locations, the specific route, and the plans, if

any, for assembly and dispersal.

- (viii) The approximate number of people who will participate in such Parade or Public Assembly, and for Parades, the number of vehicles and a description thereof.
 - (ix) A statement as to whether the Parade or Public Assembly will occupy all or only a portion of the width of the streets, sidewalks, or other public rights-of-way proposed to be used.
 - (x) A description sound amplification equipment, banners, signs, or other attention-getting devices to be used.
 - (xi) Such other information as the Chief may deem reasonably necessary in order to properly provide for traffic control, street and property maintenance, administrative arrangements, police and fire protection, and for the protection of public health, safety and welfare.
- (2) Late Filing. Should unforeseeable circumstances prevent an applicant from filing within the deadline established in paragraph (d)(1) above, the Chief shall accept a late filing and process it as expeditiously as practicable.
- (e) Issuance or denial of permit.
- (1) Denial for False Application. The Chief shall not issue the permit if any information supplied by the applicant is false or materially misleading.
 - (2) Approval. The Chief shall issue the permit within three days of receipt of the completed application, and in any event prior to the scheduled parade or public assembly if, in general, he finds a Significant Probability that the event will cause no public health, safety, and welfare, and specifically, he finds a Significant Probability that
 - (i) The time, duration, route and size of the Event will not unreasonably interrupt the safe and orderly movement of vehicular or pedestrian traffic on Public Space or the normal use of Public Space;
 - (ii) The applicant has, where needed, designated monitors sufficient to control the orderly conduct of the parade or assembly in conformity with such permit;
 - (iii) The Event will not unduly interfere with police, fire, or rescue services to the remainder of the Town, either by requiring the presence of such first responders or by slowing the travel of such first responders to locations across Town;
 - (iv) The Event will not interfere with another Event for which a permit has been granted; and
 - (v) The Parade or Public Assembly will not violate State or Federal law.
 - (3) Denial. If the Chief denies an application after considering the factors set forth in paragraph (e)(2) above, he shall promptly notify the applicant, using such means as are available to him in an attempt to provide notice as soon as possible. The Chief will advise the applicant of his right to appeal the decision under paragraph (e)(6) below.

Nothing in this section shall permit the Chief to deny a permit based upon political, social, or religious grounds or reasons or based upon the content of the views expressed. Denial of a permit on such grounds is prohibited.

LEGISLATIVE INTENT: Nothing in this section should depend on what people believe or what they have to say. Instead, this section looks to whether their conduct will create excessive risk or inconvenience.

- (4) Approval of Alternate. The Chief, in denying a permit for an Event may authorize the Event on an alternate date or time, or at an alternate place. An applicant desiring to accept an alternate permit shall file a written notice of acceptance with the Chief.
- (5) Competing & Opposing Groups. Nothing in this section prevents persons or groups opposing, competing with, the sponsor of a permitted Event (“Opponents”) from appearing at the Event, provided (i) such Opponents do not unreasonably interfere with the operation of the permitted event and (ii) Opponents do not unreasonably block Public Space or prevent its use.
Opponents must notify the Chief as soon as they form the intent to appear at the licensed event. Without such notice, the Opponents may be denied permission to assemble, because the Town may not be able to secure the Event adequately.

Whenever Opponents are present, the Chief may assign Public Space to different groups on an equitable basis, roughly proportionate numbers of persons present. The Chief may also physically separate Opponents from the sponsoring group and Opponents from one another, in order to promote public safety.

- (6) Appeal. Any person aggrieved by the refusal of the Chief to grant a permit, or by the revocation of a permit after one has been issued, may appeal the denial or revocation to the Town Manager by filing a written notice of the appeal setting forth the grounds therefor. Any such appeal must be received within five days after the date of the decision giving rise to the appeal. The Town Manager shall act upon the appeal within five days after its receipt.

(f) Citizen Conduct.

- (1) Interference with Event. No person shall unreasonably hamper, obstruct, impede or interfere with any authorized Event or with any person, vehicle or animal participating or used in an Event for which a written permit has been issued.
- (2) Driving through Parades, etc. No driver of a vehicle shall drive between the vehicles, persons, or displays of an Event or funeral procession except when otherwise directed by a police officer. This paragraph shall not apply to authorized emergency vehicles.
- (3) Provocative Conduct. Within an Event or within 250 yards of an Event, no person shall
 - (i) Carry bats, clubs, or similar items;
 - (ii) Wear masks as prohibited by Va. Code, § 18.2-422;
 - (iii) Carry chemical irritant sprays or caustic substances;
 - (iv) Carry shields;
 - (v) Carry any open flames other than candles;
 - (vi) Wear a helmet (unless riding a motorcycle, bicycle, or similar device), or
 - (viii) Carry any item that can be used as a projectile. It is permissible to carry written or printed placards, signs, flags, banners, etc., but such items shall not be attached to poles or rods.

This paragraph (f)(3) shall not apply to Events which are plainly celebratory.

LEGISLATIVE INTENT: As an example of this exception for celebratory events, it would make little sense to prohibit bats at a parade celebrating a minor-league baseball victory. In that context, a bat would be obviously non-provocative.

- (4) Police Orders. No person shall fail to immediately obey an order of the Chief, given under this section.

(g) Powers of the Chief. In addition to those powers granted by general law,

- (1) The Chief may order the dispersal of any gathering which violates this section or for which there is a Significant Probability of violence.
- (2) The Chief may revoke any permit issued under this section whenever there is a Significant Probability of violence, injuries to people, or property damage.
- (3) The Chief may make temporary regulations for parking or traffic on Public Space to accommodate an Event or minimize the risk of personal injury or property damage.
- (4) The Chief may close any Public Space when an Event or other gathering presents a Significant Probability of personal injuries or property damage.

(h) Violation. The violation of this section shall constitute a Class 2 misdemeanor.

(i) Delegation.

- (1) With respect to any single Event,
 - (i) If requested by the Rockingham County Sheriff, the Chief may cede to the Sheriff all control of the permitting process and event scene, thereby delegating to the Sheriff all authority vested by this section.
 - (ii) If requested by state or federal authorities acting within their jurisdiction, the Chief shall cede

to the requesting party all control of the permitting process and event scene, thereby delegating to the requesting party all authority vested by this section.

(2) At any time, the Chief may act through such other members of the Police Department as he may designate.

(j) *Severability*. If any portion of this article is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this section and such invalid provisions or portions thereof shall be severable.

(Added November 13, 2018.)

§1-55. *Marshy Ground and Stagnant Water.* Any person owning real estate within the town upon which a drain or running water exists, must keep such real estate clean, free, and unobstructed from filth, garbage, vegetation, or other nuisance. Any person owning real estate within the town upon which exists a marshy place or stagnant water must drain or fill the same within thirty (30) days from receipt of written notice from the Town Council. If it is impractical to drain or fill such marshy place, effective petroleum treatment is required. If, after such reasonable notice, the owner or occupant of any such real estate fails to abate such nuisance, the town may do so and charge and collect the cost thereof in the same manner as local real estate tax. (See Code of Virginia, §E15.2-1115) (Enacted August 12, 1986; Reenacted July 14, 1998)

§1-55.1 *Allowing Junk and Certain Other Materials to Accumulate or Remain on Property.* It is hereby determined to be a nuisance and deleterious to the public welfare to allow to accumulate or to leave or allow to remain on lots or parcels of land within the town, junk, trash, rubbish, refuse, garbage, waste materials, tires, parts of motor vehicles, construction materials, wheels, metal, plumbing fixtures or debris. Provided, this section shall not apply to uses specifically permitted by zoning or special use permits.

Such nuisances may be abated or removed by the Town Council, the Town Superintendent or any other delegated officer or employee. Written notice of the nuisance with an order for its abatement or removal shall be given to the owner or occupant of the property on which the nuisance exists. If the nuisance has not been abated or removed within 30 days of the notice the town may go upon the property and abate or remove it charging the cost to the owner, occupant, or both. The costs shall be collected in the same manner as the local real estate tax. Mailing of the notice to the owner at the address shown on the town's records and to the occupant at the street address shall constitute compliance with the requirements of this ordinance. Enforcement of this ordinance shall not exclude the Town's right to proceed under other civil or criminal remedies. (See Code of Virginia § 15.2-1115) (Enacted April 12, 1994; Reenacted July 14, 1998)

CHAPTER 6 ***Summons***

§1-56. *Summons.*

- (a) Whenever any person is detained by or is in the custody of an arresting officer for violation of a town ordinance punishable as a misdemeanor or traffic infraction, such officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his or her motor vehicle, if any, and issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five (5) days after such arrest. Such officer shall release such person from custody upon the giving by such person of a written promise to appear at such time and place. Any person refusing to give such promise to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate. Any person who willfully violates such written promise to appear, given in accordance with this section, shall be guilty of a class 1 misdemeanor.
- (b) Notwithstanding the provisions of paragraph (a), as to
- (1) any person charged with an offense causing or contributing to an accident resulting in the injury or death of any person,

- (2) any person charged with reckless driving or driving under the influence of intoxicants,
- (3) any person who the arresting officer has good cause to believe has committed a felony, or
- (4) any person whom the officer has reason to believe may disregard a summons issued hereunder,

the arresting officer may, in his discretion, take such person forthwith before the nearest or most accessible magistrate.

(See Code of Virginia, §§ 19.2-74 and 19.2-82) (Enacted August 12, 1986; Reenacted July 14, 1998)

CHAPTER 7

Weapons and Explosives

§1-57. *Discharging Firearms.*

- (a) The discharge of firearms is prohibited within the Town.
- (b) Violation of this section shall constitute a Class 1 misdemeanor.
- (c) This section shall not apply (i) to any law enforcement officer in the performance of his official duties, (ii) to any other person whose act is otherwise justifiable or excusable at law in the protection of his life or property, (iii) to the killing of deer pursuant to § 29.1-529 of the Code of Virginia, or (iv) to any other discharge expressly authorized by a state law which unambiguously supersedes this section.

(Va. Code, § 15.2-1113; enacted August 12, 1986; amended July 14, 1998; amended December 12, 2017).

§1-58. *Airguns, Slingshots, and Other Instruments for Projecting Missiles.* Any person using, within the town, any instrument for projecting missiles, including, but not limited to airguns, BB guns, slingshots, grit shooters, and bows and arrows shall be guilty of a class 4 misdemeanor; provided, this section shall not apply to archery ranges of colleges or schools. (See Code of Virginia, § 15.2-916) (Enacted August 12; 1986; Reenacted July 14, 1998)

§1-59. *Fireworks.* Any person who transports, manufactures, sells, or offers for sale, a firecracker, torpedo, skyrocket, or other substance or thing of whatever form or construction commonly known as fireworks, without a permit, shall be guilty of a class 1 misdemeanor, except that any person who purchases, stores, transports, ignites, or explodes such items as a part of a personal or family celebration, shall be guilty of a class 3 misdemeanor. This section shall not apply to members of the armed forces acting within the scope of their duties, to persons using such materials for emergency signaling, or to persons involved in the operation of a railroad. This section shall not apply to the use or sale of sparklers, fountains, pharaoh's serpents, caps for pistols, or to pinwheels or whirligigs so long as such fireworks are ignited or exploded on private property with consent of the owner thereof. The Town Superintendent or other delegated officer shall have authority to issue permits for lawful fireworks exhibitions to be held by benevolent or fraternal groups, clubs, associations or organizations. (See Code of Virginia, §§ 15.2-1113, 15.2-2029 and 59.1-142 *et seq.*) (Enacted August 12, 1986; Reenacted July 14, 1998)

CHAPTER 8
Enforcement of the Virginia Uniform Statewide Building Code

§ 1-60. Enforcement of The Virginia Uniform Statewide Building Code. The Virginia Uniform Statewide Building Code prescribes regulations to be complied with when constructing, repairing, maintaining and changing the use of buildings and structures. Bridgewater hereby adopts an ordinance which establishes a uniform schedule of civil penalties for violations of the Virginia Uniform Statewide Building Code, (hereinafter "the Code").

Any owner, be they a person, corporation, partnership, or any other business entity or combination thereof shall remedy violations of the Code promptly after receipt of notice of violation from the Town Building Inspector. The penalty for the first violation shall be a civil fine of \$100; additional violations shall result in a fine of \$150. Each day during which the violation continues constitutes a separate offense. Violations arising from the same set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same set of facts shall not result in civil penalties which exceed a total of \$3,000. Civil penalties levied under this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

Any person summoned or issued a ticket under this section may make an appearance in person or in writing by mail to the Office of the Treasurer prior to the date fixed for trial in court. Any person, corporation, partnership, or any other business entity or combination thereof so appearing may enter into a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such person, corporation, partnership, or any other business entity or combination thereof shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator shall agree in writing to abate or remedy the violation within six months after the date of payment of the civil penalty.

If a person charged with a Code violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the Rockingham County General District Court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

Prosecution of Code violations under this section shall commence within one year of discovery of the offense by the owner or by the Town Building Inspector; provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later; however, prosecution under this section relating to the maintenance of existing buildings or structures as contained in the Code shall commence within one year of the discovery of the offense.

For the purposes of this section, an owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, or lessee in control of a building or structure. Other terms used in this section shall be defined as in Code of Virginia § 36-97. (See Code of Virginia §§ 19.2-8, 36-97 and 36-106) (Enacted July 14, 1998)