

Chapter 22 MISCELLANEOUS OFFENSES ^[1]

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Sec. 22-1. Aggressive solicitation and sales; definitions; prohibited acts and penalties.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Aggressive manner means and includes any of the following:

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- (2) Following the person being solicited, if that conduct is:
 - a. Intended to, or is likely to, cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Intended to, or is reasonably likely to, intimidate the person being solicited into responding affirmatively to the solicitation;
- (3) Continuing to solicit the person being solicited after the person has made a negative response, if continuing the solicitation is:
 - a. Intended to, or is likely to, cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Intended to, or is reasonably likely to, intimidate the person being solicited into responding affirmatively to the solicitation;
- (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;
- (5) Intentionally or recklessly using obscene or abusive language or gestures:
 - a. Intended to, or likely to, cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - b. Words intended to, or reasonably likely to, intimidate the person into responding affirmatively to the solicitation;
- (6) Approaching the person being solicited in a manner that is:

- a. Intended to, or is likely to, cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
- b. Intended to, or is reasonably likely to, intimidate the person being solicited into responding affirmatively to the solicitation.

Automated teller machine means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

Bank means any banking corporation authorized by statute to accept deposits and hold itself out to the public as engaged in the banking business in the Commonwealth of Virginia.

Public area means an area to which the public, or a substantial group of persons, has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

Solicit means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or the thing of value. The solicitation may be, without limitation, by the spoken, written or printed word, or by other means of communication.

- (b) The following will be construed as prohibited acts and it shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:
 - (1) In an aggressive manner in a public area;
 - (2) In any public transportation vehicle, or bus station or stop, provided, however, that this subsection shall not apply to services rendered in connection with such transportation services;
 - (3) Within 15 feet of any entrance or exit of any bank during the hours of operation of such bank;
 - (4) Within 15 feet of any automated teller machine during the hours of operation of such automated teller machine;
 - (5) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
 - (6) From any operator or passenger of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle;
 - (7) While standing on, or going into, any street or highway, including medians, on ramps and exit ramps.
- (c) Penalties. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

(Code 1972, § 21-4; Code 1992, § 17-3)

Charter reference— Restraining of street beggars, § 7.03.

Sec. 22-2. Pneumatic guns ; discharging, penalty.

- (a) Any person who shall, anywhere in the town, discharge any, shot, stone, gravel, BB, pellet, paintball or similar object from a pneumatic gun or similar implement, except as authorized by this chapter, shall be guilty of a Class 3 misdemeanor, punishable as provided in section 1-11.

- (b) For the purpose of this section, the term "pneumatic gun" means any implement designed as a gun that will expel a BB, pellet, paintball or similar object by action of pneumatic pressure.
- (c) Pneumatic guns may be used at facilities approved for shooting ranges or paintball courses, on other property where pneumatic guns may be discharged lawfully, or on or within private property with permission of the owner or legal possessor. Commercial operation of shooting ranges, paintball courses and similar forms of public amusement utilizing pneumatic guns shall comply with chapter 42, Zoning, in terms of commercial use as an amusement center.
- (d) Use of pneumatic guns must be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. The term "reasonable care" means that the pneumatic gun is being discharged so that the projectile will be contained on the property by a backstop, earthen embankment or fence. The discharge of projectiles across or over the bounds of the property shall create the rebuttable presumption that the use of the pneumatic gun was not conducted with reasonable care.
- (e) Minors may use such implements only under the following conditions:
 - (1) Minors under the age of 16 must be supervised by a parent, guardian or other adult supervisor approved by a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.
 - (2) Minors 16-18 years of age must have the written or verbal consent of a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.

(Code 1972, § 21-13; Code 1992, § 17-10; Ord. No. 2003-7, 9-2-2003; Ord. No. 2011-7, § 17-10, 12-20-2011)

State Law reference— Pneumatic guns, Code of Virginia, § 15.2-915.4.

Sec. 22-3. Loitering.

- (a) Definitions. As used in this section:

Loitering means remaining idle in essentially one location and includes the concept of spending time idly; being dilatory; lingering; staying; sauntering; delaying; or standing around; or occupying a parked vehicle in a public parking lot or street spending time idly; and shall also include the colloquial expression "hanging around."

Public place means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose but does not necessarily mean a place denoted solely to the use of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and public grounds, areas or parks.

- (b) Violations and penalties.

- (1) It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either alone or in consort with others, in a public place in such manner so as to:
 - a. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
 - b. Commit in, or upon, any public street, public highway, public sidewalk or any other public place or building any act or thing which is, or tends to be, an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted in, or upon, or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building which prevents or tends to prevent the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

- (2) When, and if, any person causes or commits any of the conditions herein enumerated and prescribed and is ordered by a police officer or any law enforcement officer to cease or stop causing, or committing, such conditions and to move on or disperse, and he fails or refuses to do so, he shall be guilty of a violation of this section.
- (3) Any person who violates any of the provisions of this section shall be guilty of a Class 2 misdemeanor.

(Code 1992, § 17-12; Ord. of 8-31-1986, § 21-15)

State Law reference— Authority to prohibit loitering, Code of Virginia, § 15.2-926; loitering on bridges and highways, Code of Virginia, § 46.2-930

Sec. 22-4. Minors; curfew.

- (a) It shall be unlawful for any parent, guardian or other adult person having the care, custody or control of any minor under the age of 15 years to permit, allow or encourage such minor to loiter on any street, road, avenue, alley, park or other public place in the town between the hours of 10:00 p.m. and 6:00 a.m. of the following day, unless accompanied by such parent, guardian or other adult person.
- (b) It shall be unlawful for the proprietor, manager or other adult person having charge or control of any public place to permit, allow or encourage any minor under the age of 15 years to loiter in or around such place between the hours of 10:00 p.m. and 6:00 a.m. of the following day, unless accompanied by the parent, guardian or other adult person having the care, custody or control of such minor.
- (c) It shall be unlawful for any minor under the age of 15 years to loiter on any street, road, avenue, alley, park or other public place in the town between the hours of 10:00 p.m. and 6:00 a.m. of the following day, unless accompanied by the parent, guardian or other adult person having the care, custody or control of such minor.
- (d) Whenever any police or other officer charged with the duty of enforcing the laws of the state, the provisions of this Code or other ordinances of the town shall discover or shall have his attention called to the fact that any minor under the age of 15 years is on any street, road, avenue, alley, park or other public place in the town, or is in any vehicle parked thereon, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, and such minor is not accompanied by his parent, guardian or other adult person having the care, custody or control of such minor, such officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of such minor on such street, road, avenue, alley, park or other public place or in any vehicle parked thereon is in violation of the provisions of this section. If such investigation reveals that the presence of such minor on such street, road, avenue, alley, park or other public place or in such vehicle is in violation of the provisions of this section, then such officer shall cause such minor to be taken to the home or place of residence of such minor, and such minor and the parent, guardian or other adult person having the care, custody or control of such minor may be summoned to appear to be dealt with according with the provisions of subsections (a) and (c) of this section.
- (e) If such officer cannot contact a relative or other adult person having control over such minor and if after such investigation such officer shall have cause to believe that the actions of such minor are such as to constitute such minor a delinquent, dependent or neglected child, and if such minor cannot contact a relative, then such officer shall consider appropriate action pursuant to Code of Virginia, § 16.1-226 et seq.

(Code 1972, § 21-16; Code 1992, § 17-13)

State Law reference— Curfew for minors, Code of Virginia, § 15.2-926.

Sec. 22-5. Obstructing flow of streams, creeks, etc.

It shall be unlawful for any person who is the owner, lessee or proprietor of any premises in the town through which flows any branch, stream or creek to allow anything or any substance of any kind to be or remain at any time in the branch, stream or creek or any part of the area or bed of such branch, stream or creek that interferes with or prevents, in whole or in part, the free and unobstructed flow of the water of the stream, whether the obstruction is in the open or under any building on the premises.

(Code 1972, § 21-18; Code 1992, § 17-14)

State Law reference— Authority to require removal of obstructing or hazardous structures, Code of Virginia, § 15.2-909.

Sec. 22-6. Marking on buildings, walls, fences, etc.

No person shall mark or brand any signs, letters or characters upon a building, wall, fence or other property of another person without first obtaining the consent of the owner of such property.

(Code 1972, § 21-25; Code 1992, § 17-22)

Sec. 22-7. Soliciting subscriptions, contributions and funds.

(a) It shall be unlawful for any person to solicit subscriptions, contributions and funds for any cause or thing within the corporate limits of the town without first obtaining a written permit from the town manager. The granting of the permit shall be subject to the applicant submitting an application to the town manager not less than 48 hours prior to the time and date for which a permit is sought, which application shall contain the following information:

- (1) The names, ages and complete addresses of all persons who will solicit, and the specific local address of the person who shall be responsible for the group or individual solicitation program.
- (2) The name or description of the individuals, firms, businesses, institutions, clubs, societies or organizations which each solicitor represents.
- (3) The specific area of the town which is to be solicited and for which the permit is sought.
- (4) The total number of persons who will be participating in the solicitation.
- (5) The dates and hours in which the participants will be engaged in soliciting.
- (6) The state registration and license number of any vehicle to be used in the solicitation or travel for the solicitors within the corporate limits.

(b) The town manager shall make, or cause to be made, an investigation of the application and shall have the right to refuse to grant the permit to any person filing the same wherein he determines that any one of the following causes for rejection exists:

- (1) The purpose for which the solicitation is being made will constitute a nuisance.
- (2) Any one of the persons named has a criminal record involving petit larceny, larceny or a crime involving moral turpitude.
- (3) The purpose for the solicitation requires a business license.
- (4) The date for which the permit is sought constitutes a legal holiday or Sunday.
- (5) The total number of persons participating will constitute a nuisance.
- (6) There is inadequate police protection in the area proposed to be solicited.

- (7) Any person whose name appears on the application has previously been denied a permit or has had the same revoked for any cause herein provided.
 - (8) An investigation of the application by the town manager discloses false or incomplete information required therein.
- (c) The town manager shall have the right to revoke a permit granted to any person upon a determination that he is in violation of any of the terms and conditions set forth in the permit.

(Code 1972, § 21-26; Code 1992, § 17-23)

State Law reference— Solicitation of contributions, Code of Virginia, § 57-48 et seq.

Sec. 22-8. Discharge and storage of firearms; penalty.

- (a) Any person who shall willfully discharge, or cause to be discharged, any firearm or similar implement within the corporate limits of the town or in a manner to cause any bullet, shot or similar object to travel through the corporate limits of the town by discharge of a firearm shall be guilty of a Class 1 misdemeanor, punishable as provided in section 1-11; provided, that this provision shall not apply to the following:
 - (1) Discharge of a firearm by any law enforcement officer in the performance of official duties.
 - (2) Discharge of a firearm by any person whose such willful act is otherwise justifiable or excusable at law in the protection of life or property.
 - (3) Discharge of a firearm in association with the commercial operation of an indoor firearms shooting range, provided the indoor firearms shooting range complies with chapter 42, Zoning, in terms of commercial use as an indoor shooting range. Reasonable care shall be given to ensure any bullet, shot or other discharge from firearms do not cross property lines in regards to deer hunting on parcels of five acres or more with permission of the property owner in the agricultural zoning district.
 - (4) Deer hunting on parcels of five acres or more with permission of the property owner in the agricultural zoning district. Reasonable care shall be given to ensure bullets, shot or other discharge from firearms do not cross property lines in regards to deer hunting on parcels of five acres or more with permission of the property owner in the agricultural zoning district.
 - (5) Any discharge of a firearm that is otherwise specifically authorized by law.
- (b) For the purpose of this section, the term "firearm" means any weapon that will, or is designed to, or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon.
- (c) Discharge of a firearm in conjunction with deer hunting must be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. The term "reasonable care," in terms of deer hunting, means that the firearm is being discharged so that the projectile will be contained on the property by a backstop, earthen embankment or fence. The term "reasonable care," in terms of the operation of a commercial indoor firearms shooting range, means that the firearm is being discharged so that the projectiles will be contained in the building housing the indoor firearms shooting range. The discharge of a firearm causing projectiles to cross over the bounds of the property for deer hunting or the discharge of a firearm causing the projectiles to exit outside of the building for indoor firearms shooting ranges shall create the rebuttable presumption that the use of the firearm was not conducted with reasonable care.
- (d) Minors may discharge firearms and similar implements only under the following conditions:
 - (1) Minors under the age of 16 must be supervised by a parent, guardian or other adult supervisor approved by a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.

- (2) Minors 16-18 years of age must have the written or verbal consent of a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.
- (e) The fire chief/fire marshal and the building official shall have the authority to regulate the storage of firearms, ammunition and ammunition supplies, including gunpowder or other explosives.

(Ord. No. 2011-7, § 17-26, 12-20-2011)

Sec. 22-9. Archery, urban archery, discharge of bows; exemptions; penalty.

- (a) For the purpose of this section, the term "bow" means any implement designed as a weapon that will expel an arrow, crossbow quarrel, bolt or similar object by action of elastic energy or tension pressure.
- (b) Any person who shall willfully discharge, or cause to be discharged, any bow or similar implement within the corporate limits of the town or in a manner to cause any arrow, crossbow quarrel, bolt or similar object to travel through the corporate limits of the town by discharge of a bow shall be guilty of a Class 3 misdemeanor, punishable as provided in section 1-11; provided, that this provision shall not apply to the following when performed with reasonable care in accordance with subsection (c) of this section:
 - (1) Discharge of a bow by any law enforcement officer in the performance of official duties.
 - (2) Discharge of a bow by any person whose such willful act is otherwise justifiable or excusable at law in the protection of life or property.
 - (3) Discharge of a bow in association with the commercial operation of an indoor or outdoor shooting range provided the indoor or outdoor shooting range complies with chapter 42, Zoning, in terms of commercial use as an indoor or outdoor shooting range.
 - (4) Discharge of a bow on, or within, private property with permission of the property owner or legal possessor.
 - (5) Any discharge of a bow that is otherwise specifically authorized by law.
 - (6) Subject to the provisions of this section, discharging an arrow from a bow is lawful for the purposes of deer hunting within the town limits during urban archery season, the early archery season, the general firearms deer season and during the late archery season, as designated in regulations set forth by the Virginia Department of Game and Inland Fisheries, under the following conditions:
 - a. Except for target shooting, discharge of archery equipment is restricted to land consisting of three acres or more.
 - b. Hunters must register with the town manager to hunt on town-owned property.
 - c. Hunters must carry written permission from individual property owners to hunt.
 - d. Agreement must be made between the participant and landowner in reference to field dress.
 - e. No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway or public land or public place within town limits or toward any building or dwelling in such a manner that an arrow may strike it.
 - f. Except for target shooting or by a property owner on their own personal property, archery equipment can only be discharged from an elevated stand with a minimum height of 12 feet.
 - g. Hunters must dispose of deer carcasses appropriately. Carcasses should be double bagged and taken to the local landfills.

- h. No person shall hunt deer within the town by use of a dog, or dogs.
 - i. Urban archery season is restricted to hunting antlerless deer only.
 - j. Hunters must abide by all applicable sections of the Code of Virginia and Virginia hunting regulations (including bag limits and tagging/checking requirements).
- (c) Discharge of a bow in conjunction with deer hunting or an indoor or outdoor shooting range must be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. The term "reasonable care," in terms of deer hunting or an outdoor shooting range, means that the bow is being discharged so that the projectile will be contained on the property by a backstop, earthen embankment or fence. The term "reasonable care," in terms of the operation of an indoor shooting range, means that the bow is being discharged so that the projectiles will be contained in the building housing the indoor shooting range. The discharge of a bow causing projectiles to cross over the bounds of the property for deer hunting or an outdoor shooting range or the discharge of a bow causing the projectiles to exit outside of the building for an indoor shooting range shall create the rebuttable presumption that the use of the bow was not conducted with reasonable care.
- (d) Minors may use such implements only under the following conditions:
- (1) Minors under the age of 16 must be supervised by a parent, guardian or other adult supervisor approved by a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.
 - (2) Minors 16-18 years of age must have the written or verbal consent of a parent or guardian and shall be responsible for obeying all laws, regulations and restrictions governing the use thereof.

(Ord. No. 2011-7, § 17-27, 12-20-2011; Ord. No. 2013-4, § 17-27, 3-19-2013)

FOOTNOTE(S):

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State Law reference— Crimes and offenses generally, Code of Virginia, § 18.2-1 et seq. ([Back](#))