

**ADOPTED**

NOV 16 1983

ORDINANCE NO. 150A-1

**BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, RIOTS, UNLAWFUL ASSEMBLIES AND RELATED OFFENSES, OF THE CODE OF THE COUNTY OF JAMES CITY BY AMENDING THE FOLLOWING SECTIONS: SECTION 15-4, REMAINING AT PLACE OF RIOT OR UNLAWFUL ASSEMBLY AFTER WARNING TO DISPERSE; SECTION 15-7, REQUEST TO GOVERNOR FOR MILITARY OR POLICE ASSISTANCE; SECTION 15-8, DISPERSAL OF UNLAWFUL OR RIOTOUS ASSEMBLIES, SECTION 15-9, DUTY OF OFFICERS DISPERSING RIOTERS; KILLING OR INJURING RIOTERS; AND SECTION 15-10, COMMISSION OF CERTAIN OFFENSES IN COUNTY DECLARED BY GOVERNOR TO BE IN STATE OF RIOT OR INSURRECTION.

BE IT ORDAINED by the Board of Supervisors of the County of James City that Chapter 15, Riots, Unlawful Assemblies and Related Offenses, of the Code of the County of James City is hereby amended and reordained by amending the following sections: Section 15-4, Remaining at place of riot or unlawful assembly after warning to disperse; Section 15-7, Request to governor for military or police assistance; Section 15-8, Dispersal of unlawful or riotous assemblies; Section 15-9, Duty of officers dispersing rioters; killing or injuring rioters; and Section 15-10, Commission of certain offenses in county declared by governor to be in state of riot or insurrection.

Section 15-4. Remaining at place of riot or unlawful assembly after warning to disperse.

Every person, except the owner or lessee of the premises, his family and nonrioting guests, and public officers and persons assisting them, who remains at the place of any riot or unlawful assembly after having been lawfully ordered to disperse, shall be guilty of a misdemeanor.

Section 15-7. Request to governor for military or police assistance.

If it appears to the chairman of the board of supervisors, or if it appears to any member of the board of supervisors in the absence or disability of the chairman, that the power of the county is not sufficient to enable the sheriff to execute processes delivered to him or the police department to suppress riots and to preserve the peace, then such chairman or supervisor shall, promptly and by the most expeditious means, inform the governor of the situation, and request the dispatch to this county of such military or police forces of the commonwealth as may be necessary to execute such process and to preserve the peace, as provided in section 18.2-410 of the Code of Virginia.

Code of Virginia Section 18.2-410 authorizes the governor, when it appears that the county is unable to execute process, suppress riots and preserve the peace, to order law enforcement agencies, the national guard and other state agencies to the county.

Section 15-8. Dispersal of unlawful or riotous assemblies; duties of officers.

When any number of persons, whether armed or not are unlawfully or riotously assembled, the chief of police, his officers, and other law enforcement officers, or any of them shall go among the persons assembled or as near to them as safety will permit and command them in the name of the State to disperse immediately. If upon command the persons unlawfully assembled do not disperse immediately, the chief of police or other officer may use such force as is reasonably necessary to disperse them

and to arrest those who fail or refuse to disperse. To accomplish this end, the chief of police or other officer may request and use the assistance and services of private citizens.

Every endeavor shall be used, both by the chief of police or other officers, or by the officer commanding any other force, which can be made consistently with the preservation of life, to induce or force those unlawfully assembled to disperse before an attack is made upon them by which their lives may be endangered.

**Section 15-9. Immunity of officers and others in quelling a riot or unlawful assembly.**

No liability, criminal or civil, shall be imposed upon any person authorized to disperse or assist in dispersing a riot or unlawful assembly for any action of such person which was taken after those rioting or unlawfully assembled had been commanded to disperse, and which action reasonably necessary under all the circumstances to disperse such riot or unlawful assembly or to arrest those who failed or refused to disperse.

**Section 15-10. Commission of certain offenses in county declared by governor to be in state of riot or insurrection.**

Any person, who after the publication of a proclamation by the governor, or who after lawful notice to disperse and retire, resists or aids in resisting the execution of process in the county when it is declared to be in a state of riot or insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the governor, chief of police or other officer to quell or suppress an insurrection or riot, shall be punished by imprisonment in the penitentiary for not less than two years nor more than ten years; or, in the discretion of the jury, or judge trying the case without a jury, by confinement in jail not to exceed one year or by fine not to exceed one thousand dollars.

C-10



Perry M. DePue, Chairman  
Board of Supervisors

SUPERVISOR	VOTE
DePUE	AYE
FRINK	AYE
EDWARDS	AYE
MAHONE	AYE
TAYLOR	AYE

ATTEST:



James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this  
16th day of November, 1983.

FMM/bkh  
/FMM6