

ORDINANCE NO. 56A-4 **ADOPTED**  
DEC 2 1985

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, SECTION 13-5, AUTOMOBILE GRAVEYARDS REGULATED, AND MADE SUBJECT TO LICENSE TAX; SECTION 13-6, COUNTY OFFICERS AND EMPLOYEES - INTERFERING WITH, ETC.; SECTION 13-7, SAME - IMPERSONATION OF; SECTION 13-13, SAME - PENALTIES FOR VIOLATION; SECTION 13-17, FALSE ALARMS; SECTION 13-18, HIGHWAYS NOT TO BE MADE DEPOSITORIES FOR GLASS, NAILS, ETC., BY ANY PERSONS; SECTION 13-19, INDECENT EXPOSURE; SECTION 13-19.1, PUBLIC NUDITY - PROHIBITED; SECTION 13-21, OBSTRUCTING FREE PASSAGE OF OTHERS; SECTION 13-23, PETIT LARCENY; SECTION 13-27, RAILROAD CARS OBSTRUCTING HIGHWAY; STANDING VEHICLE ON RAILROAD TRACK; SECTION 13-28, SWIMMING POOLS IN AREAS ZONED FOR RESIDENTIAL USE; SECTION 13-29, TELEPHONE CALLS - PROFANE, THREATENING, ETC., LANGUAGE PROHIBITED; SECTION 13-31, SAME - CAUSING TELEPHONE TO RING WITH INTENT TO ANNOY; SECTION 13-32, SAME - USE OF PARTY LINE FOR EMERGENCY CALLS; SECTION 13-34, WEAPONS - FIREARMS NOT TO BE CARRIED, OR IN VEHICLE, WHEN LOADED; ENFORCEMENT PROVISIONS; AND SECTION 13-35, SAME - CARRYING CONCEALED.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 13-5, Automobile graveyards regulated, and made subject to license tax; Section 13-6, County officers and employees - Interfering with, etc.; Section 13-7, Same - Impersonation of; Section 13-13, Same - Penalties for violation; Section 13-17, False alarms; Section 13-18, Highways not to be made depositories for glass, nails, etc., by any persons; Section 13-19, Indecent exposure; Section 13-19.1, Public nudity - Prohibited; Section 13-21, Obstructing free passage of others; Section 13-23, Petit

larceny; Section 13-27, Railroad cars obstructing highway; standing vehicle on railroad track; Section 13-28, Swimming pools in areas zoned for residential use; Section 13-29, Telephone calls - Profane, threatening, etc., language prohibited; Section 13-31, Same - Causing telephone to ring with intent to annoy; Section 13-32, Same - Use of party line for emergency calls; Section 13-34, Weapons - Firearms not to be carried, or in vehicle, when loaded; enforcement provisions; and Section 13-35, Same - Carrying concealed.

### Chapter 13. Offenses - Miscellaneous

Section 13-5. Automobile graveyards regulated, and made subject to license tax.

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

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

Any person who maintains a site, lot or place as an automobile graveyard, any part of which is within one thousand feet of any highway comprising a part of the state highway system, shall erect and maintain a fence or hedge around such automobile graveyard. (1-31-64.)

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

For state law as to authority of county to enact this section, see Code of Virginia, Section 15.1-28. For state law applicable to automobile graveyards and junk yards, see Code of Virginia, Section 33.1-348.

Section 13-6. County officers and employees - Interfering with, etc.

It shall be unlawful for any person to carelessly or willfully interfere with, hinder or obstruct any officer or employee of the county who is engaged in, en route to or returning from, the performance of official duty, whether such interference, hindrance or obstruction be by threat, assault or otherwise.

For state law as to refusal to aid officer in the execution of his office, see Code of Virginia, Section 18.2-460. As to obstructing justice by threats or force, see Code of Virginia, Section 18.2-463.

Section 13-7. Same - Impersonation of.

It shall be unlawful for any person to falsely represent himself to be an officer or employee of the county or, without proper authority, wear or display any uniform, insignia or credential which identifies any county officer or employee; nor shall any person without proper authority assume to act as an officer or employee of the county, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his presence.

For state law as to impersonating peace officer, see Code of Virginia, Section 18.2-174. As to unlawful wearing of uniform of peace officer, see Code of Virginia, Section 18.2-175.

Section 13-13. Same - Penalties for violation.

Every person who violates any of the provisions of sections 13-10 to 13-12, inclusive, or who shall fail to proceed forthwith to his home or place of abode when so ordered by such officer or who shall knowingly give a false name or false address to such officer shall, upon conviction thereof, be guilty of a Class 4 misdemeanor. (9-30-65, Section 5.)

Section 13-17. False alarms.

It shall be unlawful for any person to:

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

- (d) knowingly give or cause to be given any false alarm of the need for an ambulance or medical assistance.

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

Section 13-18. Highways not to be made depositories for glass, nails, etc., by any persons.

It shall be unlawful for any person to throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can or any other substance likely to injure any person or animal, or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Any persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

State law reference - For similar state law, see Code of Virginia, Section 18.2-324.

Section 13-19. Indecent exposure.

It shall be unlawful for any person to intentionally make an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procure another to do so.

State law reference - Indecent exposure, Code of Virginia, Section 18.2-387.

Section 13-19.1. Public nudity - Prohibited.

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

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

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

Editor's note - Ordinance No. 56A-2, adopted Aug. 13, 1984, amended Ch. 13 by adding a new Section 13-24.1. In order to better facilitate the inclusion of these provisions, and with the consent of the county, the editor has redesignated these provisions as a new Section 13-19.1.

Section 13-21. Obstructing free passage of others.

It shall be unlawful for any person or persons in any public place or on any private property open to the public to unreasonably or unnecessarily obstruct the free passage of other persons to and from or within such public place or private property and to fail or refuse to cease such obstruction or move on when requested to do so by the owner or lessee or agent or employee of such owner or lessee or by a duly authorized law-enforcement officer; but nothing in this section shall be construed to prohibit lawful picketing.

State law reference - Code of Virginia, Section 18.2-404.

Section 13-23. Petit larceny.

It shall be unlawful for any person to commit larceny from the person of another of money or other thing of value less than five dollars, or to commit simple larceny not from the person of another of goods and chattels of value less than two hundred dollars. Persons violating this section shall be guilty of petit larceny which shall be punishable as a Class 1 misdemeanor.

For state law as to petit larceny, see Code of Virginia, Section 18.2-96.

Section 13-27. Railroad cars obstructing highway; standing vehicle on railroad track.

It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any highway or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passageway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad

which will hinder or endanger a moving train; provided, that when a train has been uncoupled, so as to make a passageway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such highway or road. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than one hundred nor more than five hundred dollars provided that the fine may be one hundred dollars for each minute beyond the permitted time but the total fine shall not exceed five hundred dollars. This section shall not apply when the train is stopped due to breakdown, mechanical failure or emergency.

For similar state law, see Code of Virginia, Section 56-412.1, 412.2.

Section 13-28. Swimming pools in areas zoned for residential use.

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

(a) Construct, maintain, use, possess or control any swimming pool without having completely around such swimming pool a fence as hereinafter defined; or

(b) Construct, maintain, use, possess or control any gate in such fence which is not capable of being securely fastened at a height of not less than four feet above ground level, and it shall be unlawful for any person using, possessing or controlling any such gate to allow it to remain unfastened while the pool is not in use.

"Swimming pool" shall include any outdoor man-made structure constructed from material other than natural earth or soil designed or used to hold water for the purposes of providing a swimming or bathing place for any person, or any such structure for the purpose of impounding water therein to a depth of more than two feet.

"Fence" shall mean a close type vertical barrier not less than four feet in height above ground surface. A woven steel wire, chain link, picket or solid board type fence or a fence of similar construction which will prevent the smallest of children from getting through shall be construed as within this definition. The fence shall be constructed so as to come within two inches of the ground at the bottom and shall be at least five feet from the edge of the pool at any point. (9-8-69.)

For state law as to authority of county to enact this section, see Code of Virginia, Section 15.1-29.

Section 13-29. Telephone calls - Profane, threatening, etc., language prohibited.

It shall be unlawful for any person to curse or abuse anyone, or to use vulgar, profane, indecent or threatening language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass any person, over any telephone or citizens band radio, in this county.

For state law as to use of profane, abusive, etc., language over telephone, and duty of telephone companies to furnish information as to violations, etc., see Code of Virginia, Section 18.2-427.

Section 13-31. Same - Causing telephone to ring with intent to annoy.

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

For similar state law, see Code of Virginia, Section 18.2-429.

Section 13-32. Same - Use of party line for emergency calls.

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

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

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

(d) Persons violating this section shall be guilty of a Class 3 misdemeanor.

For state law as to emergency calls over telephone party line, see Code of Virginia, Sections 18.2-424, 18.2-425, 18.2-426.

Section 13-34. Weapons - Firearms not to be carried, or in vehicle, when loaded; enforcement provisions.

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

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

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

(c) Any violation of this section shall be punishable by a fine of not more than \$100.00.

For state Uniform Machine Gun Act, see Code of Virginia, Section 18.2-288 et seq. For Sawed-Off Shotgun Act, see Code of Virginia, Section 18.2-299 et seq. For general law as to other illegal weapons, see Code of Virginia, Section 18.2-308 et seq.

State law reference - Code of Virginia, Sections 18.2-287, 18.2-287.1.

Section 13-35. Same - Carrying concealed.

A. If any person carry about his person, hid from common observation, any pistol, revolver, or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, switchblade knife, razor, slingshot, metal knucks, blackjack, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, uunchuck, nunchaku, shuriken, or fighting chain, or any weapon of like kind, he shall be guilty of a Class 1 misdemeanor, and such weapon shall be forfeited to the Commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers, conservators of the peace, and the Division of Consolidated Laboratory Services shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.



B. This section shall not apply to:

1. Any person while in his own place of abode or the curtilage thereof;  
and

2. Any police officers, sergeants, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to Chapter 3 of Title 29 (Section 29-24 et seq.) of the Code of Virginia.

3. Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported; and

5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported.

C. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail in rural districts;

2. Officers or guards of any state correctional institution;

3. Campus police officers appointed pursuant to Chapter 17 of Title 23 (Section 23-232 et seq.) of the Code of Virginia;

4. Conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed weapon without obtaining a permit as provided in Section 18.2-308(D) of the Code of Virginia: (a) notaries public; (b) registrars; (c) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; (d) commissioners in chancery; and

5. Noncustodial employees of the Department of Corrections designated to carry weapons by the Secretary of Public Safety or the Director of the Department of Corrections pursuant to Section 53-39 of the Code of Virginia.

For state law as to the carrying of concealed weapons, see Code of Virginia, Section 18.2-308.

  
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Jack D. Edwards, Chairman  
Board of Supervisors

ATTEST:

  
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James B. Oliver, Jr.  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,  
this 2nd day of December, 1985.

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<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
DEPUE	AYE
EDWARDS	AYE
MAHONE	AYE
TAYLOR	AYE