



Before the
Colonial Beach Town Council
Held at
Colonial Beach Town Center, 22 Washington Ave
Colonial Beach, VA 22443

Wednesday, October 5, 2022 at 6:00 PM Town
Council Work Session
AGENDA

- 1. Call to Order**
- 2. Roll Call of Members**
- 3. Additions to the Agenda**
- 4. Approval of the Agenda**
- 5. Council Member Liaison and Commission Reports**
- 6. Presentations**
 - a. Community Enhancement Update**, Brooke Shamblin, Community Enhancement Officer
- 7. Citizen Input**
- 8. Old Business**
 - a. Personal Property Tax Relief & Vehicle License Fees (Decals) Rebate**, Adam Schaefer, Assistant Finance Director
 - b. Potential Park Site in North Side at Azalea Rd. and Stratford St. Lot**, Bobby Duke, Director of Parks and Recreation & Diane Beyer, Director of Public Works
- 9. New Business**
 - a. Legislative Agenda Discussion**, Town Manager Adams-Jacobs
 - b. CUP #04-22 -Application for a Service Establishment in C-1**, Vivian Seay, Town Attorney
(Set Public Hearing on October 19, 2022)

d. **DRAFT Amendments to Town of Colonial Beach Town Code of Ordinances, Chapters 1, 6, and 17**, Vivian Seay, Town Attorney

(Set Public Hearing on October 19, 2022)

e. **Discussion on Streaming Planning Commission Meetings**, Councilmember Williams

10. Closed Meeting

11. Adjournment

Tab A



TO: The Honorable Mayor and Town Council
FROM: Brooke Shamblin, Community Enhancement Officer
COPY: India Adams-Jacobs, Town Manager; Darla Odom, Zoning Administrator
SUBJECT: Community Enhancement Officer Report
DATE: October 5, 2022

SUMMARY:

To provide a basic report on violations tracked, abated, and on-going thus far. Furthermore, to establish the on-going project to make zoning ordinances and other information as easily understood and accessible as possible for residents seeking permits.

BACKGROUND:

Due to being understaffed, the Zoning and Planning department had fallen behind on addressing the concerns/complaints of residents. This presentation will address what has been done since the hiring of the Community Enhancement Officer position and the projected goals to further assist Town residents.

ISSUE:

Resolving the complaints/concerns of residents from before position was filled, making information more accessible, and working towards the creation of a comprehensive system to better track the application and issuing of permits.

ALTERNATIVES:

This is an information briefing only. There are no alternatives presented.

FISCAL IMPACT:

This is an information briefing only. There is no fiscal impact.

RECOMMENDATION:

This is an information briefing only. There is no recommendation

Tab B



TO: The Honorable Mayor & Town Council
FROM: R. Adam Schaefer, Asst. Director of Finance
CC: India Adams-Jacobs, Town Manager
SUBJECT: Personal Property Tax Relief & Vehicle License Fees (Decals) Rebate
DATE: October 5, 2022

SUMMARY:

Town Council requested that staff research methods to provide tax relief to our residents. According to staff research, the best mechanism to accomplish this could be to increase the local contribution under the Personal Property Tax Relief Act (PPTRA).

In Spring 2022, the town council also asked staff to examine methods to eliminate the use of decals in the licensing fee process. According to staff research, the best mechanism to accomplish this is to wave the decal fee for FY23 and include future license fees in the personal property tax bill.

BACKGROUND:

The Town is one of only a handful of localities in the Commonwealth that still uses decals, and the only one that connects license fees with parking passes.

The town currently issues decals for the following:

- Property owners with vehicles registered and garaged in the town. The fee for this decal is \$30 and was historically placed on the front windshield.
- Vehicles registered in another locality and not garaged in Colonial Beach. The fee for this decal is \$100 and was historically placed on the rear windshield.

ISSUE:

The town council can amend or strike the language of the applicable Town Ordinances to eliminate the decal system.

ALTERNATIVES:

The council could decide to take no action and leave the decal system in place.

FISCAL IMPACTS:

- Saves production cost of decals and associated staff time in producing and distributing
- Free during transition year- loss of revenue for FY23

RECOMMENDATION:

Staff recommends eliminating the decal in favor of inclusion in the personal property tax bills. This will reduce costs related to producing decals, reduce staff time in distribution of decals, and residents will no longer need to purchase or apply/remove decals.

Staff also recommends town council consideration of increased personal property tax relief.

Tab C



TO: India Adams-Jacobs, Town Manager
FROM: Bobby Duke, Director of Parks and Recreation; J.C. LaRiviere, Grants Manager
COPY: Diane Beyer, Director of Public Works
SUBJECT: Parks Master Plan & North Side Park
DATE: October 5, 2022

SUMMARY:

The purpose of this memo is to present Council with information on a Parks Master Plan and a potential park site on the north side of Town.

BACKGROUND:

Council has added a Parks Master Plan to the Strategic Action Plan for completion in 2023. Council has requested a discussion regarding the need for a park on the north side of Town, and there is a Town-owned parcel (3A4-1-94) located at the corner of Stratford Street and Azalea Road that may be suitable for a pocket park site. Council has toured the property and a group of citizens have submitted a petition in support of this potential park. *Staff recommends execution of the Parks Master Plan before the park is constructed to allow for professional input into park design.*

ISSUE:

Council has requested discussion on a north side park. Council has not yet directed the Town Manager to execute the project and no funds have been allocated. No plans exist for the park-park planning and design should be executed by a professional consultant as part of the Parks Master Plan.

ALTERNATIVES:

Council could choose to not move forward with the Parks Master Plan and/or north side park. Council could choose to immediately engage a consultant for the north side park separate from the Parks Master Plan.

FISCAL IMPACT:

The cost of the Parks Master Plan would be under \$30,000. The cost of a north side park would be best determined by a consultant, though internal projections could be developed if requested by Council. Once plans are developed, grants could be pursued for the north side park.

RECOMMENDATIONS:

Town staff recommends that Council approve the execution of a Parks Master Plan prior to constructing a park in the north side.

Benefits of the Parks Master Plan:

1. Increases likelihood of Town receiving grants for parks/trails
2. Provide professional recommendations on developing park in north side
3. Provide costs for annual maintenance of all parks, allowing for more accurate budgeting

4. Provide recommendations on how to optimize current parks for residents and visitors of all ages
5. Supports Town's economic development strategic goals by increasing efforts in Heritage Tourism, which the VCU market study identified as the Town's greatest economic opportunity
6. Investigate opportunities for trails, paths

Tab D



TO: The Honorable Mayor and Town Council
FROM: India Adams-Jacobs, Town Manager
COPY:
SUBJECT: Legislative Agenda Discussion
DATE: 10/5/22

SUMMARY:

The purpose of this discussion is to initiate Council conversations regarding which items should be on the Town's legislative agenda for the upcoming legislative session.

BACKGROUND:

Each year, the Town submits a legislative packet to our state and federal representatives to advocate for funding for projects or other legislative support. Through this process, the Town received 5.7 million from the last legislative session for major water and sewer projects and obtained a charter change for the Police Chief to report directly to the Town Manager rather than Council.

ISSUE:

Council must determine the items to be included in the legislative request packet.

FISCAL IMPACT:

This is an information briefing only. There is no direct fiscal impact.

RECOMMENDATION:

This is an information briefing only. There is no recommendation.



**Town of Colonial Beach
Legislative Agenda
2023**

Colonial Beach Town Council

The Honorable Robin Schick, Mayor
The Honorable Vicki Roberson, Vice Mayor
The Honorable Andrea Clement
The Honorable Tom Moncure
The Honorable Kenneth Allison
The Honorable David Williams
The Honorable Dr. Caryn Self-Sullivan

Town Manager

Ms. India Adams-Jacobs, Town Manager

Town Attorney

Ms. Vivian Seay-Giles, Town Attorney

Town Clerk

Ms. Heather Oliver, Town Clerk

***TOWN OF COLONIAL BEACH
FEDERAL & STATE DELEGATION***

U.S. Senator Tim Kaine

919 East Main Street Suite 970
Richmond, VA 23219
Phone: (804) 771-2221 Fax: (804) 771-8313

U.S. Senator Mark Warner

919 East Main Street Suite 630
Richmond, VA 23218
Phone: (804) 775-2314

Congressman Rob Wittman, First District

2055 Rayburn House Office Building
Washington, D.C. 20515
Phone (202) 225-4261 Fax: (202)225-4382
Tappahannock Office: (804) 443-0668

Senator Richard Stuart, 28th Senate District

Pocahontas Building- Room No: E611
900 E. Main Street- Richmond Va 23219
Phone: (804) 698-7528
Email: district28@sentate.virginia.gov

Delegate Margaret Ransone 99th House District

Pocahontas Building- Room No:E412
900 E. Main Street- Richmond, Va 23219
Phone: (804) 698-1099
Email:DelMRansone@house.virginia.gov

Preface

The Colonial Beach Town Council respectfully submits this 2023 State Legislative Package for your review, consideration, and support of the items contained within. These initiatives were thoroughly vetted by the town's administrative leadership and this town Council. The town's adopted vision statement is:

Colonial Beach is an attractive, historical beach town committed to family, business, the arts, and healthy lifestyle.

The enclosed legislative requests are addressed within to align with the Town Council's Strategic Work Plan and the 2020-2030 Comprehensive Plan. Colonial Beach Action Plan goals are as follows:

Goal 1: To be an attractive Town to tourists, existing residents, and prospective residents

Goal 2: To provide a safe, secure, supportive, and engaging environment for residents and businesses

Goal 3: To be a business-friendly environment that promotes growth and attracts quality businesses

Goal 4: To be a community that is resilient to rising sea levels, storms, recurrent flooding, and other current and future threats

Strategic Goals of the Town are as follows:

Moving forward to implement our vision truly, we must address impediments in our community, preventing many of our citizens' advancement. The goals of the legislative efforts include:

- 1) To secure resources to meet the critical needs of the Town of Colonial Beach*
- 2) To obtain tools needed to ameliorate fiscal stress and promote economic stability*
- 3) Amend Commonwealth and Federal statutes to benefit Colonial Beach residents, businesses, and organizations*

In closing, please know that the Colonial Beach Town Council members are ever grateful for the coordinated and collaborative partnership we share with you on matters of importance to our historic town here in the Northern Neck Regional. We seek your support for our legislative initiatives and any other legislative and budgetary matters impacting the Town of Colonial Beach, which may arise during the 2023 legislative session. Lastly, we thank you for your service to our town and this commonwealth, and we look forward to working with you again in the upcoming legislative session.

**A RESOLUTION OF THE TOWN OF COLONIAL BEACH
COUNCIL ADOPTING THE 2023 LEGISLATIVE AGENDA**

WHEREAS, The Town of Colonial Beach is impacted by action taken by the U.S. Congress; Virginia Legislature; and others;

WHEREAS, The Town Council wishes to adopt a legislative agenda that includes legislative priorities, positions, sponsors, and action for each item on the agenda; and

WHEREAS, Adoption of the agenda provides direction to Town Staff and Legislative Advocates, as well as requests for action and support from legislative representatives; and

WHEREAS, Once adopted, Council wishes for the agenda to be submitted to each of the Town's legislative representatives and legislative advocates.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of Town of Colonial Beach, Virginia, that the Town of Colonial Beach hereby approves and adopts the 2022 Legislative Agenda.

BE IT FURTHER RESOLVED, by the Town Council of the Town of Colonial Beach, Virginia, that the Town Council directs the Town Manager to take all necessary actions to support the Town's legislative priorities, positions, sponsors, and action items and to provide a copy of the agenda to each of the Town's legislative representatives and legislative advocates.

Robin Schick,
Mayor

ATTEST:

Heather Oliver, Clerk of Council

Adopted by the Council of Colonial Beach, Virginia, this ____ day of _____, 2022

Town of Colonial Beach

2023 Legislative Requests

<u>Item</u>	<u>Requested by</u>	<u>Position</u>
1 Request funding for Historic James Monroe Birthplace trail connection to enhance tourism and preserve historic asset (\$5,000,000).	Town Council	Request a sponsor
2 Request funding for the rehabilitation and expansion of the Colonial Beach Municipal Pier (\$500,000).	Town Council	Request a sponsor
3 Support any efforts to expand Broadband opportunities to the town and diversify private industry expansion in our town and region.	Town Council	Support
4 Support any efforts of the Virginia or Maryland legislature to support and assist the town with erosion control and resiliency efforts along town beaches and shorelines.	Town Council	Support

Tab E



TO: Town of Colonial Beach Town Council
FROM: Vivian Seay Giles
COPY: India Adams-Jacobs, Town Manager
SUBJECT: Town Code of Ordinances – Amendments to Chapters 1, 6, and 17
DATE: October 5, 2022

SUMMARY:

Consider amendments to Town of Colonial Beach Code of Ordinances Chapters 1, 6 and 17 to repeal ordinances that are not enforceable or have been repealed by the General Assembly, repeal ordinances not relevant to current Town activities or operations or replicate the Code of Virginia and amend ordinances to reflect current activities or operations and comply with current laws of the Commonwealth.

BACKGROUND:

Councilman Moncure undertook a review of the Town of Colonial Beach Code of Ordinances, starting with identifying those ordinances recommended for repeal. The ordinances are recommended for repeal for the following reasons:

1. The subject matter covered is no longer relevant to current Town operations.
2. The subject matter covered is not enforceable under current law.
3. The subject matter covered has been repealed by the Virginia General Assembly.
4. The subject matter is regulated by Virginia law and there is no need to replicate the provision in one or more local ordinances.

Other ordinances were recommended for amendment for reasons including, but perhaps not limited to, the following:

1. Current Town operations require amended language.
2. Clarity.
3. Correction or to comport with current law.

ISSUE:

Staff recommends amendments to Town of Colonial Beach Code of Ordinances Chapters 1, 6, 14, and 17 as provided.

ALTERNATIVES:

1. Take no action and leave the ordinances without amendment.
2. Adopt a portion of the recommended amendments.
3. Adopt all recommended amendments to Town of Colonial Beach Code of Ordinances Chapters 1, 6 and 17.

RECOMMENDATION:

Adopt all proposed amendments to Town of Colonial Beach Code of Ordinances Chapters 1, 6, and 17 in order to update those ordinances to comport with current Town operations, to comply with current law of the Commonwealth of Virginia, and to eliminate redundancy with the Code of Virginia.

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Colonial Beach, Virginia" and may be so cited. Such ordinances may also be cited as the "Colonial Beach Town Code."

State law reference(s)—Authority of town to codify and recodify its ordinances, Code of Virginia, § 15.21-37.31433.

Sec. 1-2. Definitions and rules of construction.

In the interpretation and construction of this Code and of all ordinances of the town, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise:

And, or. "And" may be read "or" and "or" may be read "and," if the sense requires it.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Charter. The word "Charter" shall mean the Charter of the town, as it now exists or as it may be amended in the future.

Code. Whenever the term "Code" or "this Code" is referred to, without further qualification, it shall mean the Code of Ordinances, Town of Colonial Beach, Virginia, as designated in section 1-1.

Computation of time. When a notice is required to be given or any other act to be done a certain time before any proceeding, there must be that time, exclusive of the day for such proceeding, but the day on which such notice is given or such act is done may be counted as part of the time. When a notice is required to be given or any other act to be done within a certain time after any event, that time shall be allowed, in addition to the day on which the event occurred.

Council. The term "council" or "town council" shall mean the Town Council of the Town of Colonial Beach, Virginia.

County. The word "county" shall mean the County of Westmoreland in the Commonwealth of Virginia.

Following. The word "following," when used by way of reference to any section or sections in the Code, shall be construed to mean next following that in which such reference is made.

Gender. A word importing the masculine gender only may extend and be applied to females and to firms, partnerships, and corporations, as well as to males.

In the town; within the town. The words "in the town" or "within the town" shall mean any territory, jurisdiction of which, for the exercise of its regulatory power, has been conferred on the town by public or private law.

Joint authority. Words purporting to give authority to three (3) or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise expressly stated.

Month. Unless otherwise expressed, the word "month" shall be construed to mean a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing, and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

Occupant. The word "occupant," applied to a building or land, shall mean any person who holds a written or oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.

Officers, boards, etc. Whenever reference is made to a particular officer, department, board, commission, or other agency, without further qualification, such reference shall be construed as if followed by the words "of the Town of Colonial Beach, Virginia." A reference to a specific officer shall include that officer's duly authorized deputies and agents.

Official time standard. Whenever particular hours are referred to, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the town.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.

Person. The word "person" shall include a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit.

Preceding. The word "preceding," when used by way of reference to any section or sections in this Code, shall be construed to mean next preceding that in which such reference is made.

Property. The word "property" shall mean real, personal, or mixed property.

Section numbers. Whenever reference is made to a section by number only (e.g. "section 1-1"), without further qualification, it shall be construed as referring to that section of this Code.

Shall. The word "shall" ~~is at all times shall be~~ mandatory.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent property line which is intended for the use of pedestrians.

State; Commonwealth. The word "~~S~~state" or the word "Commonwealth" shall be construed as if followed by the words "of Virginia."

State code. References to the "State Code" or the "Code of Virginia" shall mean the Code of Virginia, 1950, as amended.

Street. The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto, and all other public thoroughfares in the town, and shall mean the entire width thereof between abutting property lines. It shall also be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

Swear; sworn. The word "swear" or the word "sworn" shall be equivalent to the word "affirm" or the word "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

Town. The term "town," "the town," or "this town" shall mean the Town of Colonial Beach, in the County of Westmoreland and Commonwealth of Virginia.

Written; in writing. The words "written" and "in writing" shall include typewriting, printing on paper, and any other mode of representing words, letters, or figures.

Year. The word "year" shall mean a calendar year.

State law reference(s)—Similar definitions and rules of construction applicable to state law, Va. Code of Virginia, § 1-~~20213-1g~~ et seq.

Sec. 1-3. ~~Headlines~~Catchlines of sections.

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.

State law reference(s)—Similar provisions as to sections of state code, Code Va. Code of Virginia, § 1-~~21713-9~~.

Sec. 1-4. Provisions of Code considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of the previously existing ordinances of the town, shall be considered as continuations thereof and not as new enactments.

Sec. 1-5. Miscellaneous ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect:

- (1) Any ordinance promising or guaranteeing the payment of money by or for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town;
- (2) Any ordinance granting any franchise or right;
- (3) Any ordinance appropriating funds, levying, or imposing taxes or relating to an annual budget;¹
- (4) Any ordinance annexing territory to the town;
- (5) Any ordinance authorizing, providing for, or otherwise relating to any public improvement or assessments therefor;
- (6) The zoning ordinance adopted April 23, 1981, or any amendment thereto, including amendments to the zoning map and ordinances zoning or rezoning specific property;²
- (7) The subdivision ordinance adopted April 13, 1972, and set out in appendix B of this Code, or any amendment thereto;
- (8) Any ordinance adopted for purposes which have been consummated; or
- (9) Any ordinance which is temporary, although general in effect, or special, although permanent in effect;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

¹Cross reference(s)—Taxation, Ch. 20.

²Cross reference(s)—Zoning ordinance, App. A.

Sec. 1-6. Code does not affect prior offenses, proceedings, or rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code.

Sec. 1-7. Effect of repeal of ordinance which repealed another.

When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived, without express words to that effect.

Sec. 1-8. Supplementation of Code.

- (a) By contract or by municipal personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency, or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings, and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as appropriate the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

State law reference(s)—Authority to supplement Code, Code of Virginia, § 15.1-37.3.

Sec. 1-9. Copies of Code and supplements to be available for public inspection.

At least three (3) copies of this Code and every supplement thereto shall be kept in the office of the town clerk and shall there be available for public inspection, during normal business hours.

State law reference(s)—Similar provisions, Code of Virginia, § 15.~~2-14334~~-37.3.

Sec. 1-10. Classification of and penalties for violations; continuing violations.

- (a) Whenever in this Code or any other ordinance of the town or any rule or regulation promulgated by any officer or agency of the town, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:
- (1) *Class 1 misdemeanor*: By a fine of not more than two thousand five hundred dollars (\$2,500.00), or by confinement in jail for not more than twelve (12) months, or by both such fine and confinement.
 - (2) *Class 2 misdemeanor*: By a fine of not more than one thousand dollars (\$1,000.00), or by confinement in jail for not more than six (6) months, or by both such fine and confinement.
 - (3) *Class 3 misdemeanor*: By a fine of not more than five hundred dollars (\$500.00).
 - (4) *Class 4 misdemeanor*: By a fine of not more than two hundred fifty dollars (\$250.00).
- (b) Wherever in any provision of this Code or in any other ordinance of the town or any rule or regulation promulgated by an officer or agency of the town, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in subsection (a)(1) above.
- (c) Notwithstanding any other provision of this section or any other section of this Code, no penalty for a violation of this Code or other ordinance, rule or regulation of the town shall exceed that prescribed by general law for a like offense.
- (d) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

(Ord. No. 91A; Ord. No. 381)

~~State law reference(s)—Classification of misdemeanors and punishment therefor, Code of Virginia, §§ 18.2-9, 18.2-11; authority of town to provide penalties for violation of ordinances and provisions similar to subsection (c) above; Code of Virginia, § 15.1-901; authority of court trying case, upon conviction, to require bond conditioned that the person convicted will not violate the ordinance for the breach of which he was convicted for a period of not more than one year, Code of Virginia, § 15.1-902; injunctive relief for continuing violations of ordinances, Code of Virginia, § 15.1-905.~~

Sec. 1-11. Severability of parts of Code.

If any part, section, subsection, sentence, clause, or phrase of this Code is, for any reason, declared to be unconstitutional or invalid, such decision shall not affect the validity of the remainder of this Code.

Chapter 6 BICYCLES¹

ARTICLE I. IN GENERAL

Sec. 6-1. Definition.

For the purposes of this chapter, the term "bicycle" **means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children.** shall include every device having two (2) wheels in tandem, either of which is over twenty (20) inches in diameter, and which is propelled wholly or in part by muscular power and upon which a person may ride. Such term shall include pedal bicycles with helper motors rated less than one brake horsepower, which produce only ordinary pedaling speeds up to a maximum of twenty (20) miles per hour.

(Ord. No. 122, § A)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-100.

~~Sec. 6-2. Violations of chapter generally.~~

~~Unless otherwise specifically provided, any person who violates any of the provisions of this chapter shall be deemed guilty of a Class 4 misdemeanor.~~

~~(Ord. No. 122, § O)~~

~~Cross-reference(s) —Penalty for Class 4 misdemeanor, § 1-10.~~

~~Sec. 6-3. Parents and guardians not to permit violation of chapter by minors.~~

~~It shall be unlawful for the parent or guardian of a minor to authorize or knowingly permit such minor to violate any of the provisions of this chapter.~~

~~(Ord. No. 122, § J)~~

~~Sec. 6-4. Applicability of traffic regulations to riders.~~

~~Every person riding a bicycle upon a roadway within the corporate limits of the town shall be granted all the rights and shall be subject to all the duties and responsibilities applicable to the driver of motor vehicles under the laws of the state and the traffic ordinances of the town, except as to those provisions which, by their very nature, can have no application.~~

Commented [VSG1]: Va. Code Sec. 46.2-100.

¹Cross reference(s)—Motor vehicles and traffic, Ch. 14.

(Ord. No. 66)

Cross-reference(s) — Traffic, Ch. 14.

State law reference(s) — Similar provisions, Code of Virginia, § 46.2-800.

Commented [VSG2]: Potentially not necessary.

Commented [VSG3R2]: Va. Code 46.2-800.

Sec. 6-5. Bicycle paths.

- (a) ~~In conformity with Title 15.1, Section 16.2, of the 1950 Code of Virginia, as amended, the town council hereby ordains that t~~hose portions of Euclid Avenue and Wakefield Street between the Northern boundary of 12th Street and the southern boundary of Locust Avenue be and are hereby designated as a bicycle path.
- (b) The use of the heretofore designated bicycle path by any vehicles other than bicycles as defined in Title 46.2 of the 1950 Code of Virginia, as amended, is hereby prohibited. The use of said path by pedestrians is expressly permitted.

(Ord. of 9-2-81)

Editor's note(s) — At the discretion of the editor, provisions deriving from an ordinance enacted Sept. 2, 1981, have been codified as hereinabove set out in § 6-5. Said ordinance was nonamendatory of the Code.

Commented [VSG4]: I find no authority for this provision.

Secs. 6-6—6-15. Reserved.

ARTICLE II. LICENSE²

Secs. 6-16 – 6-24. Reserved.

Sec. 6-16. Required; exception.

~~It shall be unlawful for any person to operate or use a bicycle on the streets of this town, without first obtaining from the town treasurer a license therefor; provided, however, that this section shall not apply to a bicycle which is temporarily kept within the town for a period of less than thirty (30) consecutive days.~~

(Ord. No. 122, §§ B, L)

Sec. 6-17. Application; fee.

~~Application for a bicycle license shall be made to the town treasurer on a form provided for that purpose. Such application shall be accompanied by a fee of one dollar (\$1.00).~~

(Ord. No. 122, § E)

Sec. 6-18. Issuance; plate to be attached to bicycle.

~~The town treasurer is hereby authorized and directed to issue, upon application and payment of the prescribed fee, a bicycle license, which shall be valid as long as the bicycle remains in the same ownership. The~~

²Cross-reference(s) — Occupation licenses, Ch. 13; license for motor vehicles and trailers, § 14-21 et seq.

town shall provide a metallic license plate for each bicycle so licensed, which plate shall be placed upon the bicycle in some suitable place and shall remain attached to the bicycle during the existence of the license.

(Ord. No. 122, §§ C, D)

Sec. 6-19. Effect.

A license issued under this article shall entitle the licensee to operate the bicycle for which the license is issued upon all streets, exclusive of the sidewalks thereof, in the town, subject to applicable provisions of this Code and other ordinances of the town.

(Ord. No. 122, § B)

Sec. 6-20. Removal, destruction, etc., of plate.

Except as otherwise provided in section 6-22, it shall be unlawful for any person to remove, destroy, mutilate or alter any bicycle license plate during the time for which such plate is operative.

(Ord. No. 122, § G)

Sec. 6-21. Replacement of lost, mutilated, etc., plate.

In the event that any license plate issued under this article is lost or mutilated or becomes illegible, the person who is entitled thereto shall make immediate application for and obtain a substitute plate, upon furnishing information of such fact satisfactory to the town treasurer and upon payment of a fee of one dollar (\$1.00).

(Ord. No. 122, § H)

Sec. 6-22. Not transferable; procedure when bicycle sold or otherwise disposed of.

- (a) A bicycle license shall be personal to the person to whom it is issued and shall not be transferable to any other person. In the event the licensee sells or transfers the bicycle to another person, such other person shall be required to obtain a new license.
- (b) Upon the sale or transfer of a licensed bicycle, the licensee shall remove the license plate and shall surrender the same to the town treasurer or he may, upon proper application, but without the payment of any additional fee, have the license plate assigned to another bicycle owned by him.

(Ord. No. 122, §§ C, F)

Sec. 6-23. Records to be kept.

The town treasurer shall keep a record of the date of the issuance of each bicycle license, to whom issued and the number thereof.

(Ord. No. 122, § C)

Sec. 6-24. Impoundment of unlicensed bicycles.

The police department or any member thereof may impound and retain possession of any unlicensed bicycle, until the license provided for in this article is obtained by the owner of the bicycle.

(Ord. No. 122, § K)

Chapter 17 OFFENSES—MISCELLANEOUS¹

Sec. 17-1. Attempt to commit misdemeanor.

Every person who attempts to commit an offense which is a misdemeanor shall be punishable by the same punishment prescribed for the offense the commission of which was the object of the attempt.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-27.

Sec. 17-2. Concealing or compounding offenses.

If any person, knowing of the commission of an offense, shall take any money or reward, or an engagement therefor, upon an agreement or understanding, expressed or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence thereof, he shall, if such offense is a felony, be guilty of a Class 2 misdemeanor, and if such offense is not a felony, unless it is punishable merely by forfeiture to him, he shall be guilty of a Class 4 misdemeanor.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-462.

Sec. 17-3. Obstructing justice.

(a) No person shall, by threats or force, attempt to intimidate or impede a judge, magistrate, justice, juror, witness or an officer of a court, or any law-enforcement officer, in the discharge of his duty, or to obstruct or impede the administration of justice in any court.

(b) A violation of this section shall constitute a Class 1 misdemeanor.

(Ord. No. 76A)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-460.

Sec. 17-4. Resisting or obstructing execution of legal process.

Every person acting jointly or in combination with any other person to resist or obstruct the execution of any legal process shall be guilty of a Class 1 misdemeanor.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-409.

Sec. 17-5. Officer refusing, delaying, etc., to execute process for criminal.

If any officer wilfully and corruptly refuses to execute any lawful process requiring him to apprehend or confine a person convicted of, or charged with, an offense, or wilfully and corruptly omits or delays to execute such process, whereby such person shall escape and go at large within the corporate limits of the town such officer shall be guilty of a Class 3 misdemeanor.

¹Cross reference(s)—Classification of, and penalties for, offenses, § 1-10.

(Ord. No. 61)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-469.

Sec. 17-6. Unauthorized use of town property.

It shall be a Class 4 misdemeanor for any person to use or operate any motor vehicle, equipment, machine or any other property of the town for his own personal or private use, without first obtaining the consent for such use from the town manager.

Sec. 17-7. Calling ambulance or fire-fighting apparatus without cause; malicious activation of fire alarm in public building.

- (a) A person shall be found guilty of a Class 1 misdemeanor if, without just cause, he:
- (1) Calls or summons, by telephone or otherwise, any ambulance, or fire-fighting apparatus; or
 - (2) Maliciously activates a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to schools, theaters, stores, office buildings, shopping centers, and malls, coliseums and arenas, regardless of whether fire apparatus responds or not; or
 - (3) Calls the town's E-911 service to obtain directions, phone numbers, or general information or with the intent to annoy, or for other nonemergency purposes regardless of whether emergency vehicles are dispatched.
- (b) Any person who, without just cause therefore, calls or summons, by telephone or otherwise, any ambulance or fire-fighting apparatus, or who knowingly calls the town's E-911 service for purposes other than an emergency situation, or who maliciously activates a manual or fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers, and malls, coliseums and arenas, regardless of whether fire apparatus responds or not, shall be guilty of a Class 1 misdemeanor.

(Ord. No. 335)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-212.

Sec. 17-8. Causing or encouraging minor to commit misdemeanors, etc.

Any person over eighteen (18) years of age, who shall cause or encourage any child under the age of eighteen (18) years to commit any misdemeanor, or who shall send or cause any such child to go into any place for an unlawful purpose, or who shall, in any way, subject an such child to vicious or immoral influences, or who shall induce, cause, encourage or contribute toward the dependency, neglect or delinquency of any such child, shall be deemed guilty of a Class 1 misdemeanor. Where the offense consists of having or attempting to have sexual intercourse with any female child under the age of eighteen (18) years, the fact that such female was not of previous chaste character or had been married may be shown in mitigation.

(Ord. No. 69)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-371.

(Supp. No. 89)

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Sec. 17-9. Curfew for minors.

- (a) It shall be unlawful for any minor to be upon the streets or in other public places of the town between the hours of 10:00 p.m. and 6:00 a.m., unless accompanied by the parent, guardian or some adult person lawfully in charge of such minor.
- (b) This section shall not be so construed as to prohibit minors from attending places of religious worship or meetings held by or under the auspices of the public schools, Boy Scouts or other like organizations, not accompanied by parents, guardians or other adult persons; provided, however, curfew shall be in effect thirty (30) minutes after the close of such activities.
- (c) The chief of police is hereby authorized to issue permits for exceptions to this section to minors for the purpose of going to or from work. Such a permit must be in writing and specify the time or times that the minor shall be exempt from this section.
- (d) It shall be unlawful for any parent, guardian or other person having the custody of a minor to allow such minor to be upon the streets or in other public places in the town in violation of this section.
- (e) Any person violating this section shall be deemed guilty of a Class 4 misdemeanor.

(Ord. No. 128A)

Sec. 17-10. ~~Reserved. Minors in poolrooms.~~

- ~~(a) No person under the age of eighteen (18) years shall enter or remain in any poolroom within the corporate limits of the town.~~
- ~~(b) It shall be unlawful for the owner, manager or other person in control of any poolroom to allow or permit any person under the age of eighteen (18) years to enter or remain in such establishment.~~
- ~~(c) For the purposes of this section, a "poolroom" is any establishment, business or other place open to the public and in or on which seven (7) or more pool or billiard tables are maintained or operated.~~
- ~~(d) A violation of this section shall constitute a Class 3 misdemeanor.~~

~~(Ord. No. 95; Ord. No. 179)~~

~~State law reference(s) — Authority of own to regulate presence of minors in places of amusement, Code of Virginia, § 18.2-432.~~

Sec. 17-11. Begging or soliciting funds.

- (a) It shall be unlawful for any person to beg or solicit funds for any purpose within the corporate limits of the town, without first obtaining a permit, in writing, from the town manager.
- (b) Any person violating this section shall be deemed guilty of a Class 4 misdemeanor.

(Supp. No. 89)

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(Ord. No. 7)

~~Secs. 17-12 – 17-22. Reserved Assault and battery.~~

~~Any person who shall commit a simple assault or assault and battery shall be guilty of a Class 1 misdemeanor.~~

~~(Ord. No. 75)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-57.~~

~~Sec. 17-13. Abusive language.~~

~~No person within the town shall, in the presence or hearing of another, curse or abuse such other person, or use any violent, abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace. A violation of this section shall constitute a Class 3 misdemeanor.~~

~~(Ord. No. 46A; Ord. No. 88)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-416.~~

~~Sec. 17-14. Slander and libel.~~

~~(a)—If any person shall falsely utter and speak, or falsely write and publish, of and concerning any female of chaste character, any words derogatory of such female's character for virtue and chastity, or imputing to such female acts not virtuous and chaste, or shall falsely utter and speak, or falsely write and publish, of and concerning another person, any words which, from their usual construction and common acceptance, are construed as insults and tend to violence and breach of the peace, or shall use grossly insulting language to any female of good character or reputation, he shall be guilty of a Class 3 misdemeanor.~~

~~(b)—A defendant charged with a violation of this section shall be entitled to prove, upon trial and in mitigation of the punishment, the provocation which induced the libelous or slanderous words or any other fact or circumstance tending to disprove malice or lessen the criminality of the offense.~~

~~(Ord. No. 87)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-417.~~

~~Sec. 17-15. Giving false statements for publication in newspaper, magazine, etc.~~

~~Any person who knowingly and willfully states, delivers or transmits, by any means whatsoever, to any publisher, or employee of a publisher, of any newspaper, magazine or other publication, or to any owner, or employee of an owner, of any radio station, television station, news service or cable service, any false and untrue statement, knowing the same to be false or untrue, concerning any person or corporation, with intent that the same shall be published, broadcast or otherwise disseminated, shall be guilty of a Class 3 misdemeanor.~~

~~(Ord. No. 90)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-209.~~

(Supp. No. 89)

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Sec. 17-16. Disorderly conduct in public places.

A person is guilty of disorderly conduct and a Class 1 misdemeanor if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

- (1) In any street, highway, public building, or while in or on a public conveyance or public place, engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under other provisions of this Code; or
- (2) Willfully or, being intoxicated, whether willfully or not, disrupts any meeting of the town council or a division or agency thereof, or of any school, literary society or place of religious worship, if such disruption prevents or interferes with the orderly conduct of such meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, such disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under other provisions of this Code.

The person in charge of any such building, place, conveyance or meeting may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

(Ord. No. 14B; Ord. No. 55)

State law reference(s)—Similar provisions and authority of town to adopt above section, Code of Virginia, § 18.2-415.

Sec. 17-17. Public profanity and intoxication.

If any person profanely curses or swears or is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, he shall be deemed guilty of a Class 4 misdemeanor.

(Ord. No. 59; Ord. No. 348)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-388; authority of town to adopt above section, § 18.2-389.

Sec. 17-18. Profanity, threats, etc., over telephone.

If any person shall use obscene, vulgar, profane, lewd, lascivious or indecent 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 in this town, he shall be guilty of a Class 1 misdemeanor.

(Ord. No. 54)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-427.

Sec. 17-19. Giving certain false information to another by telephone.

If any person maliciously advises or informs another, over any telephone in this town, of the death of, accident to, injury to, illness of or disappearance of some third party, knowing the same to be false, he shall be guilty of a Class 1 misdemeanor.

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-428.

~~Sec. 17-20. Causing telephone to ring with intent to annoy.~~

~~(a) No person shall, without intent to converse, but with intent to annoy any other person, cause any telephone not his own to ring. No person shall permit or condone the use of any telephone under his control for such purpose.~~

~~(b) A violation of this section shall constitute a Class 3 misdemeanor.~~

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-429.

~~Sec. 17-21. Emergency telephone calls; relinquishing party line; requesting relinquishment on false pretext.~~

~~(a) Any person who fails to relinquish a telephone party line, after he has been requested to do so, to permit another to place an emergency call, shall be guilty of a Class 4 misdemeanor; provided, that this subsection shall not apply to any person who is himself using the telephone party line for an emergency call.~~

~~(b) Any person who requests another to relinquish a telephone party line on the pretext that he must place an emergency call, knowing such pretext to be false, shall be guilty of a Class 4 misdemeanor.~~

~~(c) As used in this section, "telephone party line" means a subscribers' line circuit consisting of two (2) 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.~~

State law reference(s)—Similar provisions, Code of Virginia, §§ 18.2-424—18.2-426.

~~Sec. 17-22. Obstructing free passage of others.~~

~~Any person who, in any public place or on any private property open to the public, unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such public place or private property and who shall 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 shall be guilty of a Class 1 misdemeanor.~~

~~(Ord. No. 130A)~~

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-404.

Sec. 17-22.1. Loitering.

- (a) Any person or persons loitering or standing in the street, sidewalk, curb, or other public places or on privately owned property open to the public shall move on or separate when required to do so by any member of the police department or sheriff's department and shall cease to occupy such position on said street, sidewalk, curb, or other public place or privately owned property open to the public.
- (b) Any person violating this section shall be deemed guilty of a Class 2 misdemeanor.

(Ord. No. 164, §§ 1, 2)

~~Sec. 17-23. Riots and unlawful assemblies—What constitutes.~~

- ~~(a) For the purposes of this article, any unlawful use, by three (3) or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace or order is a riot.~~
- ~~(b) For the purposes of this article, whenever three (3) or more persons assembled share the common intent to advance some law or unlawful purpose by the commission of an act or acts of unlawful force or violence likely to jeopardize seriously public safety, peace or order, and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly.~~

~~(Ord. No. 130)~~

~~Cross reference(s)—Emergency powers of chief of police when threat of riot exists, § 18-1.~~

~~State law reference(s)—Similar provision, Code of Virginia, §§ 18.2-405, 18.2-406.~~

~~Sec. 17-24. Same—Participation in.~~

~~It shall be unlawful and a Class 1 misdemeanor for any person to participate in any riot or unlawful assembly within the town.~~

~~(Ord. No. 130)~~

~~State law reference(s)—Similar provisions, Code of Virginia, §§ 18.2-405, 18.2-406.~~

~~Sec. 17-25. Same—Remaining at scene 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 warned to disperse, shall be guilty of a Class 3 misdemeanor.~~

~~(Ord. No. 130)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-407.~~

~~Sec. 17-26. Same—Dispersal.~~

- ~~(a) When any number of persons, whether armed or not, are unlawfully or riotously assembled, the police officials of the town 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 immediately disperse. If, upon such command, the persons unlawfully assembled do not disperse immediately, the police officials may use such force as is necessary to~~

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disperse them and to arrest those who fail or refuse to disperse. To this end, the police officials of the town may request and use the assistance and services of private citizens.

- (b) ~~Every endeavor must be used, both by the police officers and by the officer commanding any other force, which can be made consistently with the preservation of life, to induce or force persons unlawfully assembled to disperse before an attack is made upon such persons by which their lives may be endangered.~~
- (c) ~~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 was reasonably necessary, under all the circumstances, to disperse such riot or unlawful assembly or to arrest those who failed or refused to disperse.~~

State law reference(s) — Similar provisions, Code of Virginia, §§ 18.2-411, 18.2-412.

Sec. 17-27. Adultery and fornication generally.

- (a) ~~Any person, being married, who voluntarily shall have sexual intercourse with any person not his or her spouse shall be deemed guilty of adultery.~~
- (b) ~~Any person, not being married, who voluntarily shall have sexual intercourse with any other person shall be deemed guilty of fornication.~~
- (c) ~~If any person shall commit adultery or fornication, such person shall be guilty of a Class 4 misdemeanor.~~

(Ord. No. 33)

State law reference(s) — Similar provisions, Code of Virginia, §§ 18.2-344, 18.2-365.

Sec. 17-28. Adultery and fornication by persons forbidden to marry.

~~If any person commits adultery or fornication with any person whom he or she is forbidden by law to marry, such person shall be guilty of a Class 1 misdemeanor; provided, however, that this section shall not be construed to apply to a person committing adultery or fornication with his daughter or granddaughter or with her son or grandson or her father or his mother.~~

(Ord. No. 33)

State law reference(s) — Similar provisions, Code of Virginia, § 18.2-366, which declares adultery or fornication by persons mentioned in the proviso to be a Class 5 felony.

~~Sec. 17-29. Lewd and lascivious cohabitation.~~

~~If any persons, not married to each other, lewdly and lasciviously associate and cohabit together, or, whether married or not, be guilty of open and gross lewdness and lasciviousness, each of them shall be guilty of a Class 3 misdemeanor; and, upon a repetition of the offense and conviction thereof, each of them shall be guilty of a Class 1 misdemeanor.~~

~~(Ord. No. 36)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-345.~~

~~Sec. 17-30. Bawdy places.~~

~~(a)—It shall be unlawful and a Class 1 misdemeanor for any person to keep any bawdy place, or to frequent, reside in or at or visit, for immoral purposes, any bawdy place.~~

~~(b)—For the purpose of this section, "bawdy place" shall mean any place, within or without any building or structure, within this town which is used or is to be used for lewdness, assignation or prostitution. The term shall include, but shall not be limited to, every house of prostitution, house of ill fame, bawdyhouse, house of assignation and brothel.~~

~~(c)—In a prosecution for a violation of this section, the general reputation of the place may be proved.~~

~~(Ord. No. 34B)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-347.~~

~~Sec. 17-31. Massage by person of opposite sex.~~

~~(a)—It shall be unlawful for any person to administer, for hire or reward, to any person of the opposite sex, any massage, any alcohol rub or similar treatment, any fomentation, any bath or any electric or magnetic treatment.~~

~~(b)—It shall be unlawful for any person responsible for the operation of any establishment, whether it be a public or private facility, to operate as a massage parlor, massage salon, bath parlor or any similar type business, where any person administers, for hire or reward, to any person of the opposite sex, any massage, any alcohol rub or similar treatment, any fomentation, any bath or any electrical or magnetic treatment.~~

~~(c)—This section shall not apply to any treatment administered in good faith by a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the state, or to a licensed nurse acting under the direct prescription and direction of any such physician, surgeon, chiropractor or osteopath; nor shall this section apply to barbers or beauticians who give message to the scalp, face neck or shoulders only.~~

~~(d)—Any person who shall violate any of the provisions of this section shall be guilty of a Class 3 misdemeanor.~~

~~Cross reference(s)—License tax on massage parlors, § 13-45.~~

Sec. 17-32. Hypnotism and mesmerism.

~~If any person within the town shall hypnotize or mesmerize or attempt to hypnotize or mesmerize any person, he shall be guilty of a Class 3 misdemeanor. This section shall not apply to hypnotism or mesmerism performed by a licensed physician or surgeon, or at his request, in the practice of his profession.~~

~~(Ord. No. 86)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-315.~~

Sec. 17-33. Defrauding hotels, boardinghouses, etc.

~~(a)—It shall be unlawful for any person to put up at a hotel, motel, boardinghouse or campground or to obtain food from a restaurant or other eating house and, without having an express agreement for credit, to procure food, entertainment or accommodation without paying therefor and with intent to cheat or defraud the owner or keeper of such hotel, motel, boardinghouse, campground, restaurant or other eating house out of the pay for the same; or, with intent to cheat or defraud such owner or keeper out of the pay therefor, to obtain credit at a hotel, motel, boardinghouse, campground, restaurant or other eating house for such food, entertainment or accommodation by means of any false show of baggage or effects brought thereto; or, with such intent, to obtain credit at a hotel, motel, boardinghouse, campground, restaurant or other eating house for such food, entertainment or accommodation through any misrepresentation or false statement; or, with such intent, to remove or cause to be removed any baggage or effects from a hotel, motel, boardinghouse, campground, restaurant or other eating house while there is a lien existing thereon for the proper charges due from him for fare and board furnished therein.~~

~~(b)—A violation of this section shall constitute a Class 1 misdemeanor; provided, however, that this section shall apply only if the value of service, credit or benefit procured or obtained is less than one hundred dollars (\$100.00).~~

~~(Ord. No. 71)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-188, which makes the offense a Class 5 felony, if the value of the service, credit or benefit is \$100.00 or more.~~

~~Sec. 17-34. False statements to obtain property, credit, etc.~~

~~Any person who:~~

- ~~(1) — Shall knowingly make or cause to be made, either directly or indirectly, or through any agency, any false statement in writing, with intent that it shall be relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note; or,~~
- ~~(2) — Knowing that a false statement in writing concerning the financial condition or ability to pay of himself or of any such person, firm or corporation has been made, procures, with like intent, upon the faith thereof, for his own benefit, or for the benefit of such person, firm or corporation, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement;~~

~~and fails to pay for such loan, credit or benefit so procured, shall be guilty of a Class 4 misdemeanor, if the value of the thing or the amount of the loan, credit or benefit procured is less than one hundred dollars (\$100.00).~~

~~(Ord. No. 73)~~

~~State law reference(s) — Similar provisions, Code of Virginia, § 18.2-186, under which the offense is a Class 6 felony, if the value of the loan, credit or benefit is \$100.00 or more.~~

~~Sec. 17-35. False, deceptive or misleading advertising.~~

- ~~(a) — Any person within the town who, with intent to sell or in any wise dispose of merchandise, securities, service or any other thing offered by such person, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, land or any other thing so offered to the public, which advertisement contains any promise, assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be deemed guilty of a Class 1 misdemeanor.~~
- ~~(b) — The words "untrue, deceptive and misleading," as used in this section, shall be construed as including:~~
- ~~(1) — The advertising, in any manner by any person, of any goods, ware or merchandise as a bankrupt stock, receiver's stock, or trustee's stock, if such stock contains any goods, wares or merchandise put therein subsequent to the date of the purchase by such advertiser of such stock, and if such advertisement of any such stock fails to set forth the fact that such stock contains other goods, wares or merchandise put therein subsequent to the date of the purchase by such advertiser of such stock, in type as large as the type used in any other part of such advertisement, including the caption of the same.~~
- ~~(2) — The use of any writing or document which appears to be, but is not in fact, negotiable check, negotiable draft or other negotiable instrument, notwithstanding the fact that its nonnegotiability is indicative on the writing or document.~~

~~{Ord. No. 70, § 1}~~

~~State law reference(s) — Similar provisions, Code of Virginia, § 18.2-216.~~

~~Sec. 17-36. Buying or receiving, certain secondhand materials with intent to defraud.~~

~~If any person shall buy or receive secondhand grate baskets, keys, bells and bell fixtures, gas fixtures, water fixtures, water pipes, gas pipes, or any part of such fixtures or pipes, with intent to defraud, he shall be guilty of a Class 2 misdemeanor. Possession of any such secondhand materials, if brought or received from any other person than the manufacturer thereof or his authorized agent or the owner thereof, shall be prima facie evidence of such intent.~~

~~{Ord. No. 39}~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-237.~~

~~Sec. 17-37. Petit larceny.~~

~~Any person who:~~

~~(1) — Commits larceny from the person of another of money or other thing of value of less than five dollars (\$5.00); or~~

~~(2) — Commits simple larceny not from the person of another of goods and chattels of the value of less than two hundred dollars (\$200.00);~~

~~shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.~~

~~{Ord. No. 65}~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-96.~~

Sec. 17-38. Shoplifting.

~~(a) — Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of defrauding the owner of the value of the goods or merchandise:~~

~~(1) — Willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment; or~~

~~(2) — Alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another; or~~

~~(3) — Counsels, assists, aids or abets another in the performance of any of the above acts;~~

~~shall, if the value of the goods or merchandise is less than two hundred dollars (\$200.00), be deemed guilty of larceny and punished as provided in subsections (b) and (c) below. 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.~~

~~(b) — Any person convicted for the first time of an offense under this section shall be punished as for a Class 1 misdemeanor.~~

~~(c) — Any person convicted of an offense under this section, when it is alleged in the warrant or information on which he is convicted, and admitted, or found by the jury or judge before whom he is tried, that he has been before convicted in the Commonwealth of Virginia for a like offense, regardless of the value of the goods or merchandise involved in the prior conviction, shall be confined in jail not less than thirty (30) days nor more than twelve (12) months.~~

~~(d) — Any person who has been convicted of violating the provisions of this section shall be civilly liable to the owner for the retail value of any goods and merchandise illegally converted and not recovered by the owner, and for all costs incurred in prosecuting such person under the provisions of this section. Such costs shall be limited to actual expenses, including the base wage of one employee acting as a witness for the prosecution and suit costs; provided, however, that the total amount of allowable costs granted hereunder shall not exceed two hundred fifty dollars (\$250.00), excluding the retail value of the goods and merchandise.~~

~~(e) — A merchant, agent or employee of the merchant, who has probable cause to believe that a person has shoplifted in violation of this section or section 17-37, on the premises of the merchant, may detain such person for a period not to exceed one hour pending arrival of a law enforcement officer.~~

~~(f) — A merchant or agent or employee of the merchant, who causes the arrest or detention of any person pursuant to the provisions of this section or section 17-37, shall not be held civilly liable for unlawful detention, if such detention does not exceed one hour, slander, malicious prosecution, false imprisonment, false arrest or assault and battery of the person so arrested or detained, whether such arrest or detention takes place on the premises of the merchant or after close pursuit from such premises by such merchant, his agent or employee; provided that, in causing the arrest or detention of such person, the merchant, agent or employee of the merchant had, at the time of such arrest or detention, probable cause to believe that the person had shoplifted or committed willful concealment of goods or merchandise.~~

~~(g) — As used in this section, "agent of the merchant" shall include an attendant at any parking lot owned or leased by the merchant, or generally used by customers of the merchant through any contract or agreement between the owner of the parking lot and the merchant.~~

~~State law reference(s) — Similar provisions, Code of Virginia, §§ 18.2-103—18.2-106. See § 18.2-104 for conditions under which the above offense is a felony.~~

~~Sec. 17-39. Receiving or concealing stolen goods.~~

~~If any person shall buy or receive from another person, or aid in concealing, any stolen goods or other thing, the subject of petit larceny under section 17-37, knowing the same to have been stolen, he shall be deemed guilty of larceny thereof, and may be proceeded against, although the principal offender is not convicted.~~

~~{Ord. No. 39}~~

~~State law reference(s) — Similar provisions, Code of Virginia, § 18.2-108.~~

~~Sec. 17-40. Damaging, defacing, etc., property generally.~~

~~If any person, unlawfully, but not feloniously, takes and carries away or destroys, defaces or injures any property, real or personal, not his own, or breaks down, destroys, defaces, injures or removes any monument erected for the purpose of marking the site of any engagement fought during the War between the States, or for the purpose of designating the boundaries of the town or any tract of land, or any tree marked for that purpose, within the corporate limits of the town, he shall be guilty of a Class 1 misdemeanor.~~

~~{Ord. No. 45; Ord. No. 132}~~

~~Cross-reference(s)—Damaging property by fire, § 10-6.~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-137.~~

~~Sec. 17-41. Damaging, defacing, etc., public buildings, statuary, etc.~~

~~If any person wilfully and maliciously breaks any window or door of any courthouse, house of public worship, college, school house, town hall or other public building or library; or wilfully and maliciously injures or defaces any statuary in any public building or on any public grounds; or wilfully and maliciously injures or defaces any courthouse, house of public worship, town hall or any other public building; or wilfully and maliciously destroys or carries away any furniture belonging to or in any such building; or wilfully and unlawfully injures or defaces any book, newspaper, magazine, pamphlet, map, picture, manuscript or other property belonging to any library, reading room, museum or other educational institution, or unlawfully removes the same therefrom, within the corporate limits of the town, he shall be guilty of a Class 1 misdemeanor.~~

~~{Ord. No. 43, § A}~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-138.~~

~~Sec. 17-42. Damaging, picking, etc., vegetation on land of another or in park, refuge or sanctuary.~~

~~(a) — 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 as a public park, 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 of the superintendent or custodian of such park, refuge or sanctuary so to do, unless the same is done under the personal direction of such owner, his agent, tenant or lessee or superintendent or custodian of such park, refuge or sanctuary.~~

~~(b) — Any person violating this section shall be guilty of a Class 3 misdemeanor; provided, however, that the approval of the owner, his agent, tenant or lessee, or the superintendent or custodian of such park, refuge or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit.~~

~~(Ord. No. 41)~~

~~State law reference(s) — Similar provisions, Code of Virginia, § 18.2-140.~~

Sec. 17-42.1. Breaking glass on beaches, open spaces, public properties, etc.

It shall be unlawful for any person to wilfully break any glass or deposit broken glass on any bathing beach or other open space, lot, ground or reservation or public building or place within the corporate limits of the town. Any person violating this section shall be deemed guilty of a Class 1 misdemeanor.

(Ord. No. 1)

Cross reference(s)—Beaches, Ch. 5; depositing glass on streets, § 19-3.

~~Secs. 17-43 - 17-54. Reserved. Pulling down fences or leaving gates open.~~

~~If any person, 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, opens and leaves open a gate at any public or private crossing of the right-of-way of a railroad, within the corporate limits of the town, he shall be guilty of a Class 4 misdemeanor.~~

~~(Ord. No. 44)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-143.~~

~~Sec. 17-44. Injuring, tampering with, etc., vehicles, aircraft, etc.~~

~~(a)—Any person who shall, individually or in association with one or more others, willfully break, injure, tamper with or remove any part of any vehicle, aircraft, boat or vessel for the purpose of injuring, defacing or destroying such vehicle, aircraft, boat or vessel, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat or vessel, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat or vessel, shall be guilty of a Class 1 misdemeanor.~~

~~(b)—Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel or locomotive or other rolling stock of a railroad, climb into or upon such vehicle, aircraft, boat, vessel or 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 or 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 such vehicle, aircraft, boat, vessel or locomotive or other rolling stock of a railroad in motion, with the intent to commit any crime, malicious mischief or injury thereto, shall be guilty of a Class 1 misdemeanor. This subsection 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.~~

~~(c)—The provisions of this section shall not apply to a bona fide repossession of a vehicle, aircraft, boat or vessel by the holder of a lien on such vehicle, aircraft, boat or vessel, or by agents or employees of such lienholder.~~

~~State law reference(s)—Similar provisions, Code of Virginia, §§ 18.2-146, 18.2-147, 18.2-148.~~

~~Sec. 17-45. Trespass after having been forbidden to do so.~~

~~No person shall, without authority of law, go upon or remain upon the lands, buildings or premises of another, or any part, 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 posted on such lands, buildings, premises or part, portion or area thereof, at a place where it may reasonably be seen.~~

~~(Ord. No. 13A)~~

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-119.

~~Sec. 17-46. Peeping toms.~~

~~If any person shall unlawfully enter upon the property of another, in the nighttime, and secretly or furtively peep through or attempt to so peep into, through, or spy through a window, door or other aperture of any building, structure or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure or enclosure is permanently situated or transportable, and whether or not such occupancy is permanent or temporary, such person shall be guilty of a Class 1 misdemeanor.~~

~~(Ord. No. 134)~~

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-130.

~~Sec. 17-47. Unlawful entry on church or school property.~~

~~It shall be unlawful for any person, without the consent of some person authorized to give such consent, to go or enter upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property. Any person violating this section shall be guilty of a Class 4 misdemeanor.~~

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-128.

~~Sec. 17-48. Entering premises of another for purpose of damaging property or interfering with its use.~~

~~It shall be unlawful and a Class 1 misdemeanor for any person to enter the land, dwelling, outhouse or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user or occupant thereof to use such property free from interference.~~

~~(Ord. No. 131)~~

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-121.

~~Sec. 17-49. Abandoned or discarded refrigerators and other airtight containers.~~

~~(a)—It shall be unlawful for any person to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind, with an interior storage area of more than two (2) cubic feet of clear space, which is airtight, without first removing the door or hinges from such icebox, refrigerator, container, device or equipment.~~

~~(b)—This section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is being used for display purposes by any retail or wholesale merchant, or is created, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.~~

~~(c)—A violation of this section shall constitute a Class 3 misdemeanor.~~

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-319.

~~Sec. 17-50. Open storage of inoperative vehicles.~~

~~It shall be unlawful and a Class 1 misdemeanor for any person to keep, except within a fully enclosed building or structure, on any property in the town zoned for residential or commercial purposes, any motor vehicle, trailer or semitrailer, as defined in section 46.2-100 of the Code of Virginia, the condition of which is such that it is economically impractical to make it operative.~~

~~(Ord. No. 137)~~

~~Cross reference(s)—Automobile graveyards, Ch. 4.~~

~~State law reference(s)—Authority for above section, Code of Virginia, § 15.1-11.1.~~

~~Sec. 17-51. Reserved.~~

~~Editor's note(s)—Ord. No. 465, adopted January 11, 2001, repealed the provisions of § 17-51 which pertained to the operator of loudspeakers and derived from Ord. No. 96.~~

~~Sec. 17-52. Filling of wells or pits prior to abandonment.~~

~~(a)—Every person who has caused to be dug on his own land or the land of another any well or pit shall fill such well or pit with earth, so that the same shall not be dangerous to human beings, animals or fowl, before such well or pit is abandoned. Any person owning land whereon any well or pit is located shall, in the same manner, fill with earth such well or pit which has been abandoned, provided such person has knowledge of the existence of such well or pit.~~

~~(b)—Any person violating any provision of this section shall be deemed guilty of a class 3 misdemeanor.~~

~~(Ord. No. 85)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-316.~~

~~Sec. 17-53. Covers to be kept on certain wells.~~

~~(a)—Every person owning or occupying any land on which there is a well having a diameter greater than six (6) inches and which is more than ten (10) feet deep shall, at all times, keep the same covered in such a manner as not to be dangerous to human beings, animals or fowl.~~

~~(b)—Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 18.2-317.~~

~~Sec. 17-54. Reserved.~~

~~Editor's note(s)—Ord. No. 701, adopted Nov. 20, 2019, repealed § 17-54, which pertained to tattoo establishments and tattoo artists and derived from Ord. No. 185, §§ 1—3.~~

Sec. 17-55. Obstructions on boardwalk; exceptions; penalty.

NoAny signs, temporary or permanent, game machines, vending machines, or other structures and apparatus shall ~~not~~ be placed on or extend over the "concrete walk" adjacent to the Potomac River known locally as the "boardwalk." Public business signs are an exception to this prohibition as long as they are placed sixteen

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(16) feet above the boardwalk. Provided that traffic control signs, visitor information signs, and temporary maintenance machinery may be placed on or along side the boardwalk by the town and the town manager may issue permits for temporary stands or kiosks on the boardwalk for civic-organization sponsored events for period of time not to exceed forty-eight (48) hours. Any violation of this ordinance shall constitute a class 3 misdemeanor.

(Ord. No. 256)

Editor's note(s)—Ord. No. 256, adopted Oct. 13, 1988, did not specifically amend the Code, hence inclusion herein as § 17-55 was at the discretion of the editor.

Sec. 17-56. Posting signs on utility poles.

The placement of signs on utility poles is prohibited, ~~with the condition that the town allow for a community area or billboard for citizens to post their signs.~~

(Ord. No. 326)

Sec. 17-57. ReservedSafety helmets.

(a) ~~Motorcycles. Section 46.2-910 of the Code of Virginia requires that every person operating a motorcycle shall wear a face shield, safety glasses or goggles, or have his motorcycle equipped with safety glass or a windshield at all times while operating the vehicle, and operators and any passengers thereon shall wear protective helmets. (Operators and passengers riding on motorcycles with wheels of eight (8) inches or less in diameter or in three wheeled motorcycles which have nonremovable roofs, windshields and enclosed bodies are not be required to wear protective helmets.) The windshields, face shields, glasses or goggles, and protective helmets shall meet or exceed the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc., or the federal Department of Transportation.~~

~~(b) All-terrain vehicles; penalty. Section 46.2-915.1 of the Code of Virginia defines an "all-terrain vehicle" as a three-wheeled or four-wheeled motor vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering, which is intended for off-road use by an individual rider on various types of nonpaved terrain. The term does not include four-wheeled vehicles which have low centers of gravity and are typically used in racing and on relatively level surfaces, commonly known as "go-carts". Section 46.2-915.1 of the Code of Virginia prescribes that no all-terrain vehicle shall be operated:~~

~~(1) On any public highway, or other public property, except:~~

~~a. As authorized by proper authorities;~~

~~b. To the extent necessary to cross a public highway by the most direct route; or~~

~~c. By law enforcement officers, firefighters, or rescue squad personnel responding to emergencies;~~

~~(2) By any person under the age of sixteen (16), except that children between the ages of twelve (12) and sixteen (16) may operate all-terrain vehicles powered by engines of no less than seventy (70) nor more than ninety (90) cubic centimeters displacement;~~

~~(3) By any person unless he is wearing a protective helmet of a type approved by the superintendent of state police for use by motorcycle operators;~~

~~(4) On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or~~

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~~(5) With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be operated with more than one (1) rider.~~

~~Violations of section 46.2-915.1 of the Code of Virginia are punishable by a civil penalty of not more than five hundred dollars (\$500.00).~~

~~The requirements of section 46.2-915.1 of the Code of Virginia do not apply:~~

~~(1) To any all-terrain vehicle being used in conjunction with farming activities; or~~

~~(2) To members of the household or employees of the owner or lessee of private property on which the all-terrain vehicle is operated.~~

~~(c) *Mopeds; effect of violation; penalty.* Every person operating a moped, as defined in section 46.2-100 of the Code of Virginia, on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the superintendent or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the superintendent.~~

~~Any person who knowingly violates 17-57(c) of the Colonial Beach Town Code shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00). Section 46.2-915.2 of the Code of Virginia.~~

~~(d) Bicycles, electric personal assistive mobility devices, and electric power-assisted bicycles requirement for persons under the age of fourteen (14) required to wear helmets.~~

~~Every person fourteen (14) years of age or younger shall wear a protective helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation whenever riding or being carried on a bicycle, an electric personal assistive mobility device, or an electric power-assisted bicycle on any highway as defined in section 46.2-100 of the Code of Virginia, sidewalk, or public bicycle path.~~

~~Violations of section 17-57(d) of the Colonial Beach Town Code, by persons under the age of fourteen (14), shall be punishable by a fine of twenty five dollars (\$25.00). Such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this paragraph of section 17-9 of the Colonial Beach Town Code. Section 46.2-906.1 of the Code of Virginia.~~

~~(Ord. No. 501)~~