

TITLE XIII: GENERAL OFFENSES

Chapter

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CHAPTER 130: OFFENSES GENERALLY

Section

§ 130.01 ATTEMPTS.

Every person who attempts to commit an offense which is a misdemeanor under the provisions of this code shall be punishable by the same punishment prescribed for the offense the commission of which was the object of the attempt. In no event shall the punishment for an attempt to commit an offense exceed the maximum punishment had the offense been committed.

(Prior Code, § 10-5) Penalty, see § 10.99

CHAPTER 131: OFFENSES AGAINST PUBLIC PROPERTY

Section

General Provisions

- 131.01 Advertising matter; attaching to pole, tree or building
- 131.02 Obstructing justice by threats or force
- 131.03 Permit required to operate certain businesses
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- 131.51 Furnishing certain weapons to minors
- 131.52 Selling or possessing blackjacks, brass or metal knucks, switchblades or like weapons
- 131.53 Pointing or brandishing firearm or object similar in appearance
- 131.54 Carrying concealed weapons

Cross-reference:

- Cemeteries, see Ch. 92*
- Nuisances, see Ch. 93*
- Railroad cars obstructing town streets, see § 70.57*
- Speed limits, see § 70.46*
- Speed limit of trains, see § 70.57*
- Trespass at night upon cemetery, see § 92.39*

GENERAL PROVISIONS

§ 131.01 ADVERTISING MATTER; ATTACHING TO POLE, TREE OR BUILDING.

It shall be unlawful for any person to tack or otherwise attach any advertising matter or other substance on any telephone, telegraph or electric transmissions pole or any building within the town without the consent of the owner, [thereof](#).
(Prior Code, § 10-2) Penalty, see § 10.99

§ 131.02 OBSTRUCTING JUSTICE BY THREATS OR FORCE.

If any person, by threats, or force, attempts to intimidate or impede a judge, justice, juror, witness, or an officer of a court, or any law enforcement officer, in the discharge of his or her duty, or to obstruct or impede the administration of justice in any court, he or she shall be deemed guilty of a misdemeanor.
(Prior Code, § 10-15) Penalty, see § 10.99

§ 131.03 PERMIT REQUIRED TO OPERATE CERTAIN BUSINESSES.

No distillery, soap factory, tannery or other establishment of like offensive character, shall be conducted in the town without the consent in writing of the Council. All applications for the same shall be made to the Council, and shall state with precision the nature and proposed location of the business.
(Prior Code, § 10-16) Penalty, see § 10.99

§ 131.04 WELL COVERS.

Persons owning or occupying any land within the town on which there is a well having a diameter greater than six inches and which is more than ten feet deep shall keep the same covered in a manner as not to be dangerous to human beings, animals or fowls. The construction, installation and maintenance of the covers, including the manner in which any concrete used in connection therewith shall be reinforced, shall conform to the standards of the Virginia Uniform Statewide Building Code.
(Prior Code, § 10-26) Penalty, see § 10.99

§ 131.05 ABANDONMENT OF REFRIGERATORS, ICE BOXES AND THE LIKE.

(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 cubic feet of clear space which is airtight, without first removing the door or hinges from the 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 crated, strapped or locked to an extent that it is impossible for a child to obtain access to any airtight compartment thereof.
(Prior Code, § 10-27) Penalty, see § 10.99

RAILROADS

§ 131.20 RAILROAD TRAINS; SPEED LIMITS.

Railroad trains passing through the corporate limits of the town shall not run at a greater rate of speed than 15 mph. In case of violation of this section the company operating the train, together with the individual operating the same shall each be deemed guilty.
(Prior Code, § 10-18) Penalty, see § 10.99

§ 131.21 RAILROAD CARS OBSTRUCTING STREET OR ROAD; STANDING VEHICLE ON RAILROAD TRACK.

(A) In the Town of Boykins, 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 street or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway 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 had been uncoupled, so as to make a passway, the time when a train had been uncoupled, so as to make a passway to pump up the air after the train has been decoupled shall not be included in considering the time the cars or trains were standing across the street or road.

(B) Any railroad company, receiver or trustee, violating any of the provisions of this section shall be fined not less than \$100 nor more than \$500; provided that the fine may be \$100 for each minute beyond the permitted time but the total fine shall not exceed \$500.

(C) This section shall not apply when the train is stopped due to breakdown, mechanical failure or emergency.

(Prior Code, § 10-19) (Am. Ord. passed 3-25-2003)

Statutory reference:

Similar provisions, see VA Code §§ 56-412.1 and 56-412.2

TRESPASS

§ 131.35 TRESPASSING ON RAYMOND L. PARKER RECREATIONAL PARK AND BUCK LASSITER PARK.

There shall be no trespassing permitted upon the ball field, the parking lot, the concession stand area, the bleachers, or the playground equipment ten minutes after the ball field lights have been turned out following and approved function. At all other times there shall be no trespassing in any portion of the parks after sunset.

(Prior Code, § 8-63.a) Penalty, see § 10.99

WEAPONS

§ 131.50 WILLFULLY DISCHARGING FIREARMS IN PUBLIC PLACES.

(A) If any person willfully discharges or cause to be discharged any firearm in any street in the town, or in any place of public business or place of public gathering, he or she shall be guilty of a misdemeanor.

(B) This section shall not apply to any law enforcement officer in the performance of his or her official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his or her life or property, or is otherwise specifically authorized by law.
(Prior Code, § 10-21) Penalty, see § 10.99

§ 131.51 FURNISHING CERTAIN WEAPONS TO MINORS.

If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him or her to be a minor, the person shall be guilty of a misdemeanor punishable by a fine of not more than \$100.
(Prior Code, § 10-22)

§ 131.52 SELLING OR POSSESSING BLACKJACKS, BRASS OR METAL KNUCKS, SWITCHBLADES OR LIKE WEAPONS.

If any person sell or barter, or exhibit for sale or for barter, or give or furnish, or cause to be sold, bartered, given or furnished, or has in his or her possession, or under his or her control, with the intent of selling bartering, giving or furnishing, any blackjack, brass or metal knucks, switchblade knife or like weapons, the person shall be guilty of a misdemeanor punishable by a fine of not more than \$100. The having in one's possession of any weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his or her intent to sell, barter, give or furnish the same.
(Prior Code, § 10-23) Penalty, see § 10.99

§ 131.53 POINTING OR BRANDISHING FIREARM OR OBJECT SIMILAR IN APPEARANCE.

(A) It shall be unlawful for any person to point, or brandish any firearm, as hereinafter described, or any object similar in appearance to a firearm, whether capable of being fired or not, in a manner as to reasonably induce fear in the mind of another. Persons violating the provisions of this section shall be guilty of a misdemeanor.

(B) Any police officer, in the performance of his or her duty in making an arrest under the provisions of this section shall not be civilly liable in damages for injuries or death resulting to the person being arrested if he or she had reason to believe that the person being arrested was pointing, or brandishing the firearm, or object which was similar in appearance to a firearm, with intent to induce fear in the mind of another.

(C) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMMUNITION. Cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

FIREARM. Any weapon in which ammunition may be used or discharged, by explosion, or pneumatic pressure.
(Prior Code, § 10-24) Penalty, see § 10.99

§ 131.54 CARRYING CONCEALED WEAPONS.

(A) If any person carry about his or her person, hidden from common observation, any pistol, dirk, Bowie knife, switchblade knife, razor, slingshot, metal knucks, or any weapon of like kind, he or she shall be guilty of a misdemeanor, and the weapon shall be forfeited to the town by order of the court trying the case, which shall make the disposition of the weapon as it deems proper by entry of an order of record.

(B) This section shall not apply to any police officers, sergeants, sheriffs, officers or guards of the penitentiary or other institutions or camps of the state corrections system, conservators of the peace other than notaries public, to carriers of United States mail in the rural districts, while in the discharge of their official duties or to any person while in his or her own place of abode.

(C) Any circuit court, upon a written application and satisfactory proof of the good character and necessity of the applicant to carry concealed weapons, may grant permission to do so for five (5) years. The order granting the permission shall be entered in the law order book of the court.
(Prior Code, § 10-25) Penalty, see § 10.99

CHAPTER 132: OFFENSES AGAINST PERSONS

Section

- 132.01 Abusive language
- 132.02 Assault and battery
- 132.03 Disorderly conduct
- 132.04 Impersonating officer
- 132.05 Profane swearing and drunkenness

§ 132.01 ABUSIVE LANGUAGE.

If any person shall, in the presence or hearing of another, curse or abuse any other person, or use any violent abusive language to the person concerning himself or herself or any of his or her relations, or otherwise use any language, under circumstances reasonably calculated to provoke a breach of the peace, he or she shall be guilty of a misdemeanor punishable by a fine of not more than \$500.
(Prior Code, § 10-1)

§ 132.02 ASSAULT AND BATTERY.

Any person who shall commit a simple assault or assault and battery shall be guilty of a misdemeanor.
(Prior Code, § 10-4) Penalty, see § 10.99

§ 132.03 DISORDERLY CONDUCT.

Any person who shall do or engage in any of the following shall be guilty of disorderly conduct which shall be a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment for 12 months, or both:

(A) Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in danger of safety of his life, limb or health;

(B) Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged;

(C) Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm;

(D) Any person who shall cause or provoke any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property;

(E) Any person who shall assemble or congregate with another or others and cause or provoke any fight or brawl;

(F) Any person who shall use fighting words directed towards any person who becomes outraged and thus creates turmoil;

(G) Any person who shall, by acts of violence, interfere with another in pursuit of a lawful occupation; and

(H) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear the public way when ordered to do so by a peace officer or other person having authority.
(Prior Code, § 10-9)

§ 132.04 IMPERSONATING OFFICER.

Any person who shall falsely assume or exercise the functions, powers, duties and privileges incident to the office of sheriff, police officer, marshal, or other peace officer or other officer of the town or who shall falsely assume or pretend to be any officer shall be deemed guilty of a misdemeanor.
(Prior Code, § 10-12) Penalty, see § 10.99

§ 132.05 PROFANE SWEARING AND DRUNKENNESS.

(A) If any person profanely curse or swear or be drunk in public he or she shall be deemed guilty of a misdemeanor punishable by a fine of not more than \$100.

(B) If any person shall be convicted for being drunk in public three times within one year in the town, upon the third or any subsequent conviction for the offense within the period of one year, that person shall be guilty of a misdemeanor punishable by a fine of not more than \$500.
(Prior Code, § 10-17)

CHAPTER 133: OFFENSES AGAINST PUBLIC MORALS

Section

Curfew

- 133.01 Curfew for Minors - Generally
- 133.02 Responsibility of parent and the like
- 133.03 Delivery of offending children to parents; keeping of police records; fining parents of repeated offenders; referral of habitual offenders to Commonwealth's Attorney

Alcoholic Beverages

- 133.15 Sale of beer and wine
- 133.16 Possession of open alcoholic beverages unlawful
- 133.17 Consumption of alcoholic beverages in public prohibited

Lewd Behavior

- 133.30 Indecent exposure

CURFEW

§ 133.01 CURFEW FOR MINORS - GENERALLY.

(A) *Generally.* It shall be unlawful for persons under 18 years of age to be upon the streets, highways or other public places or public buildings, unless accompanied by his or her parent, guardian or other person having legal custody, within the corporate limits of the town after the hour of 10:00 p.m.

(Prior Code, § 10-6)(Ord. amended 12-08-2009)

(B) *Exceptions.* This section does not apply to a minor who is:

- (1) Accompanied by the minor's parent or guardian.
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop.
- (3) In a motor vehicle involved in interstate travel.
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.
- (5) Involved in an emergency.
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence.

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the Town, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the Town, a civic organization, or another similar entity that takes responsibility for the minor.

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

(9) Married or had been married or had disabilities of minority removed in accordance with state law.

Penalty, see § 10.99

§ 133.02 RESPONSIBILITY OF PARENT AND THE LIKE.

It shall be unlawful for any parent, guardian or other person having legal custody of any person designated in § 133.01, to allow or permit any person under 18 years of age, who is in legal custody, to be upon the streets, highways or other public places, or public buildings within the corporate limits of the town after 11:00 p.m.

(Prior Code, § 10-7) Penalty, see § 10.99

§ 133.03 DELIVERY OF OFFENDING CHILDREN TO PARENTS; KEEPING OF POLICE RECORDS; FINING PARENTS OF REPEATED OFFENDERS; REFERRAL OF HABITUAL OFFENDERS TO COMMONWEALTH'S ATTORNEY.

Any person found in or upon any streets, highways or other public places or public buildings, within the corporate limits of the town in violation of § 133.01 shall be taken into custody by a law enforcement officer and delivered to his or her parent, guardian or person having legal custody of the person and a report thereof made to the police of the town, who shall make a record thereof in a book kept for that purpose, and if the parent, guardian or other person having legal custody of the person shall allow him or her to be upon the streets, highways or public places or public buildings in violation of § 133.01 for more than two times, the guardian, parent or person having legal custody of the person so offending shall, upon conviction thereof, be guilty of a misdemeanor. Any person who shall violate the provisions of § 133.01 more than three times shall be reported in writing to the Commonwealth's Attorney for Southampton County for these actions as he or she may deem proper under the provisions of the juvenile statutes of the state.

(Prior Code, § 10-8) Penalty, see § 10.99

ALCOHOLIC BEVERAGES

§ 133.15 SALE OF BEER AND WINE.

It shall be unlawful for any person to sell or permit to be sold in the Town of Boykins, Virginia, beer and wine or either between the hours of 12:00 **midnight** each Saturday **and 12:00 noon each Sunday**. Any person violating this law shall be guilty of a misdemeanor and upon conviction shall be punished by fine of not less than \$25 or more than \$100 for each offense.

(Prior Code, § 10-3)

§ 133.16 POSSESSION OF OPEN ALCOHOLIC BEVERAGES UNLAWFUL.

(A) It shall be unlawful for any person to possess an opened alcoholic beverage container upon any of the town's public streets, the town's park known as the Raymond L. Parker Recreational Park located off Bryant Avenue, or the Buck Lassiter Mini Park (at the intersection of Virginia Avenue and Main Street).

(B) The provisions of this section shall not apply to public or private events for which a banquet license or mixed beverage special events license has been granted.

(C) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$250.
(Prior Code, § 10-29)

§ 133.17 CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PROHIBITED.

(A) It shall be unlawful for any person to take a drink of alcoholic beverages or offer a drink of alcoholic beverages to another, whether accepted or not, at or in any public place, upon any of the town's park known as the Raymond L. Parker Recreational Park located off Bryant Avenue, or the Buck Lassiter Mini Park (at the intersection of Virginia Avenue and Main Street).

(B) The provisions of this section shall not apply to:

(1) Public or private events for which a banquet license or mixed beverage special events license has been granted; or

(2) This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any rooms or areas approved by the Board in a licensed establishment, provided the establishment or the person who operates the same is licensed to sell alcoholic beverages at retail on-premises consumption and the alcoholic beverages consumed or offered were purchased therein.

(C) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$250.
(Prior Code, § 10-30)

LEWD BEHAVIOR

§ 133.30 INDECENT EXPOSURE.

No person shall make any indecent exposure of his or her person within the town.
(Prior Code, § 10-10) Penalty, see § 10.99