

# Chapter 132 Peace And Good Order

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## Chapter 132 Peace And Good Order

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[HISTORY: Adopted by the Board of Supervisors of Clarke County 01-19-1988 as Secs. 9-1, 9-3, 9-4, 9-5, 9-9, 9-10, 9-11, 9-12, 9-17 and 9-18 of the 1987 Code. Amendments noted where applicable.]

### General References

Chapter 52 Alarm Systems

Chapter 57 Special Events

Chapter 74 County-Owned Property

Chapter 78 Dance Halls

Chapter 120 Noise

Chapter 124 Nuisances.

### Code of Virginia References

§ 15.2-925. Regulation, etc., of assemblies or movement of persons or vehicles under certain circumstances

§ 18.2-18 et seq. - Principals and accessories

§ 18.2-57 et seq. - Assault and battery

§ 18.2-119 et seq. - Trespass to realty

§ 18.2-137 et seq. - Injuring, etc., any property, monument, etc.

§ 18.2-174 et seq. - Impersonating officer

§ 18.2-178 et seq. - False pretenses

§ 18.2-325 et seq. - Gambling

§ 18.2-388. - Profane swearing and intoxication in public; penalty; transportation of public inebriates to detoxification center

§ 18.2-404 et seq. - Obstructing free passage of others

§ 18.2-415. - Disorderly conduct in public places

§ 18.2-460 et seq. - Obstructing justice

*§ 132-1. Violation or avoidance of provisions.*

- A. It shall be unlawful for any person to attempt to commit any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the commission or attempted commission of any act which is prohibited by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.
- B. It shall be unlawful for any person to attempt to avoid the doing of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and it shall be unlawful for any person to aid or abet the avoidance or attempted avoidance of any act which is required by this Code or other ordinance or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.
- C. Every person who attempts to violate this Code shall be punishable by the same punishment prescribed for the offense the commission of which was the object of the attempt.

*§ 132-2. Interference with officers and employees.*

No person shall carelessly or willfully interfere with, hinder or obstruct any officer or employee of the county who is engaged in, en route to or returning from the performance of official duty, whether such interference, hindrance or obstruction is by threat, assault or otherwise.

*§ 132-3. Impersonation of officers or employees.*

No person shall falsely represent himself to be an officer or employee of the county or, without proper authority, wear or display any uniform, insignia or credential which identifies any county officer or employee; nor shall any person without proper authority assume to act as an officer or employee of the county, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose, provided that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his presence.

*§ 132-4. Courtesy to and from officers and employees.*

- A. County officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as to not knowingly deprive any person, at the time and under the circumstances then and there existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any county officer or employee in violation of this section may bring such matter to the attention of the Chairman of the Board of

Supervisors, without prejudice to any other recourse to which such aggrieved person may be entitled.

- B. Members of the public shall be courteous in their transactions with county officers and employees, and it shall be unlawful for any person to knowingly taunt, deride, jeer or otherwise debase or insult, whether by act, word or gesture, any county officer or employee at any time or place while such county officer or employee is lawfully engaged in the performance of official duty.
- C. Any person who violates this section shall be guilty of a Class 3 misdemeanor.<sup>30</sup>

*§ 132-5. Acts constituting disorderly conduct.*

- A. Any person who shall do or engage in any of the following shall be guilty of the offense of disorderly conduct:
  - 1) Act in a violent or tumultuous manner toward another whereby any person is placed in danger of safety of his life, limb or health.
  - 2) 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.
  - 3) Endanger lawful pursuits of another by acts of violence or threats of bodily harm.
  - 4) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
  - 5) Assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.
  - 6) Assemble in bodies or in crowds and engage in unlawful activities.
  - 7) Assemble or congregate with another or others and engage or attempt to engage in illegal gaming.
  - 8) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
  - 9) Assemble with another or others and engage in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempt to do so.
  - 10) Utter, in a public place or any place open to the public, any obscene words or epithets.

- 11) Frequent any place where illegal gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
- 12) Use fight-provoking words directed towards any person who becomes outraged and thus creates turmoil.
- 13) Assemble or congregate with another or others and do bodily harm to another.
- 14) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered to do so by a peace officer or other person having authority.
- 15) Damage, defoul or disturb public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- 16) Conduct himself in a noisy, boisterous or tumultuous manner to the disturbance of the peace of the county or the peace and quiet of the neighborhood or of any lawful assembly of people; or to be intoxicated to such a degree as to be noisy or annoying to a neighborhood or any of the inhabitants thereof.
- 17) Conduct himself upon any street or other public place in any manner which shall harass another; or to willfully shove, injure, obstruct or hinder any person passing along or upon any sidewalk or street.
- 18) Engage in any conduct of a disorderly nature or to engage in any conduct tending toward a breach of the peace. The causing or making of any unnecessary loud noise or shouting or yelling shall be considered disorderly conduct.
- 19) Be in any of the places mentioned in this section and there engage in any brawl, quarrel, loud or offensive talking or engage another in any dispute or argument, the effect of which is to draw a crowd and block or partially block any of such places for public use and travel.
- 20) Act in any manner that is in violation of the Code of Virginia, § 18.2-415. Disorderly conduct in public places.

B. Any person who violates Subsection A shall be guilty of the following classes of misdemeanors:

- 1) Subsection A(10) or (16), Class 4.
- 2) Subsection A(14), Class 3.
- 3) Any other subsection, Class 1.

*§ 132-6. Disorderly conduct in public conveyance.*

It shall be unlawful for any person, whether a passenger or not, while in or on any public conveyance to behave in a riotous or disorderly manner or to engage in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed. The person in charge of such public conveyance may require such person to discontinue his riotous or disorderly conduct, and if he refuses to do so may eject him with the aid, if necessary, of any persons who may be called upon for such purpose (Code of Virginia 1974, § 11-10. Compromise by creditor with co-obligor, etc.).

*§ 132-7. Disorderly conduct in other public places.*

No person shall behave in a riotous or disorderly manner in any street, highway, public building or any other public place, other than those mentioned in § 132-5, or cause any unnecessary disturbance in or on any public conveyance by running through it, climbing through windows or upon the seats, failing to move to another seat when lawfully requested to so move by the operator or otherwise annoy passengers or employees therein.

*§ 132-8. False alarms.* <sup>31</sup>

- A. No person shall knowingly give or cause to be given any false alarm of fire.
- B. No person shall knowingly give or cause to be given any false alarm of explosion or impending danger of explosion.
- C. No person shall knowingly give or cause to be given any false alarm of the need for police protection or assistance or any false report to the Sheriff's Department.
- D. No person shall knowingly give or cause to be given any false alarm of the need for an ambulance or medical assistance.
- E. In addition to other penalties, any person who violates this section shall pay a fee. <sup>32</sup>

*§ 132-9. Interference with personal property.*

No person shall, knowingly and without proper authority, use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any personal property of another.

*§ 132-10. Interference with real property.*

No person shall, knowingly and without proper authority, destroy, damage, deface, molest or otherwise interfere with or trespass upon any real property of another.

*§ 132-11. Violations and penalties.* <sup>33</sup>

Penalties for violation of the provisions of this chapter shall be as provided in Chapter 1, General Provisions, Article I.

## References

<sup>30</sup> Editor's Note: See Ch. 1, General Provisions, Art. I.

<sup>31</sup> Editor's Note: See also Ch. 52, Alarm Systems.

<sup>32</sup> Editor's Note: Fees are on file in the office of the County Administrator.

<sup>33</sup> Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).