

GATE CITY ORDINANCES

- Proposed that the following be adopted as ARTICLE III of CHAPTER 16 of the Code of the Town of Gate City, Virginia.

ARTICLE III. - CRIMES AND OFFENSES

Sec. 16-38. - Adoption of state law.

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia; Article 2 (Section 18.2-266, et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia; and Article 9 (Section 16.1-278, et seq.), of Chapter 1 of Title 16.1 of the Code of Virginia, currently in force and as they may be amended, except those which by their nature can have no application within or to the town, except Section 46.2-114 related to disposition of fines and forfeitures, except those provisions and requirements the violation of which constitutes a felony, and except those expressly enacted herein are hereby adopted and incorporated in this Code by reference and made applicable within the town as fully as though set forth at length herein.

It shall be unlawful for any person within the town to violate or fail, neglect or refuse to comply with any of the incorporated provisions of Title 46.2 or Article 2 (Section 18.2-266, et seq.) of Chapter 7 of Title 18.2 or Article 9 (Section 16.1-278, et seq.), of Chapter 11 of Title 16.1 of the Code of Virginia which are adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provisions or requirements hereby adopted exceed the penalty imposed for the offense under Title 46.2 or under Article 2 (Section 18.2-266, et seq.) of Chapter 7 of Title 18.2 or under Article 9 (Section 16.1-278, et seq.) of Chapter 11 of Title of the Code of Virginia. Pursuant to Section 1-220 of the Code of Virginia, all references to the Code of Virginia contained herein shall include all future amendments to any of the referenced statutes.

When citing those ordinance provisions adopted by reference herein, it shall be acceptable to cite the Ordinance number with the applicable Code of Virginia Section.

State Law reference - Code of Virginia, §§ 46.2-1300, 46.2-13.

Sec. 16-39. - Reimbursement of expenses incurred in responding to DUI and related incidents.

(a) Any person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire company or department or volunteer emergency medical services agency, or both, for restitution of reasonable expenses incurred by the locality for responding law enforcement, firefighting, and emergency medical services, including those incurred by the sheriff's office of such locality, or by any volunteer fire or volunteer emergency medical services agency, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. Furthermore, any person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or volunteer emergency medical services agency, or both, for restitution of reasonable expenses incurred by the locality when issuing any related arrest warrant or summons, including the expenses incurred by the sheriff's office of such locality, or by any volunteer fire or volunteer emergency medical services agency, or by any combination of the foregoing:

- (1) The provisions of Virginia Code §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or 46.2-341.24, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

- (2) The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 of the Code of Virginia, or similar ordinance, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
- (3) The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 of the Code of Virginia, or similar ordinance, relating to driving without a license or driving with a suspended or revoked license; and
- (4) The provisions of Virginia Code § 46.2-894, or similar ordinance, relating to improperly leaving the scene of an accident.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection A shall not exceed one thousand dollars (\$1,000.00) in the aggregate for a particular accident, arrest, or incident occurring in such locality. In determining the "reasonable expenses," a locality may bill a flat fee of three hundred fifty dollars (\$350.00) or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the locality for responding law enforcement, firefighting, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer emergency medical services agency to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle, or other conduct as set forth herein.

- (c) For purposes of this Section: "Incident" means an event or occurrence that resulted in law-enforcement, firefighting, or emergency medical response.

State Law reference- Code of Virginia, § 15.2-1716.

Sec. 16-40. -Attempts to Commit Misdemeanors.

- (a) Whenever in this Code or in any ordinance or resolution of the county or rule or regulation or order promulgated by an officer or agency of the county under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or a misdemeanor, it shall be unlawful for any person to attempt to commit any act which is so prohibited or declared to be unlawful or a misdemeanor.
- (b) Every person who attempts to commit an offense which is prohibited or is declared to be unlawful or a misdemeanor as provided in this Code, or in any ordinance or resolution of the county or rule or regulation or order promulgated by an officer or agency of the county under authority duly vested in him or it, shall be punishable by the same punishment prescribed for the offense the commission of which was the subject of the attempt unless otherwise provided.

State Law reference- Similar provisions, Code of Virginia, § 18.2-27.

Sec. 16-41. - Solicitation to Commit Misdemeanors.

Any person who commands, entreats, or otherwise attempts to persuade another person to commit a misdemeanor, shall be guilty of a misdemeanor and punishable by the same punishment prescribed for the offense the commission of which was the subject of the solicitation.

State Law reference- Code of Virginia, §§ 1-200, 18.2-29.

Sec. 16-42. - Accessory after the fact.

Except in the case of a homicide offense that is punishable by death or as a Class 2 felony, every accessory after the fact is guilty of a misdemeanor in the case of any felony and punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). However, no person in the relation of husband or wife, parent or grandparent, child or grandchild, brother or sister, by consanguinity or affinity, or servant to the offender, who, after the commission of a felony, shall aid or assist a principal felon or accessory before the fact to avoid or escape from prosecution or punishment, shall be deemed an accessory after the fact.

State Law reference- Code of Virginia, § 18.2-19.

Sec. 16-43. - Alcoholic beverages in public parks and public school grounds or facilities.

It shall be unlawful for any person to possess on or about his person or effects or within any vehicle any alcoholic beverages within any public park, public school ground or public school facility located in the county. Violation of this section shall be a misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00). **NO CODE LISTED**

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- Proposed that the following be adopted as ARTICLE IV of CHAPTER 16 of the Code of the Town of Gate City, Virginia.

ARTICLE IV. - OFFENSES AGAINST THE PERSON

Sec. 16-44.- Violation of court order regarding custody and visitation; penalty.

Any person who knowingly, wrongfully and intentionally engages in conduct that constitutes a clear and significant violation of a court order respecting the custody or visitation of a child is guilty of a misdemeanor and upon conviction of a first offense punishable by a fine of not more than five hundred dollars (\$500.00). Any person who commits a second violation of this section within 12 months of a first conviction is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), and any person who commits a third violation occurring within 24 months of the first conviction is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-49.1.

Sec. 16-45. - Assault and battery, penalty.

Any person who commits a simple assault or assault and battery shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-57.

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Sec. 16-46. - Reckless Handling of Firearm, penalty.

It shall be unlawful for any person to handle recklessly any firearm so as to endanger the life, limb or property of any person. Any person violating this section shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-56.1.

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Sec. 16-47. -Allowing access to firearms by children; penalty.

- (a) It shall be unlawful for any person to recklessly leave a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of fourteen. Any person violating the provisions of this subsection shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (b) It shall be unlawful for any person knowingly to authorize a child under the age of twelve to use a firearm except when the child is under the supervision of an adult. Any person violating this subsection shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). For purposes of this subsection, "adult" shall mean a parent, guardian, person standing in loco parentis to the child or a person twenty-one years or over who has the permission of the parent, guardian, or person standing in loco parentis to supervise the child in the use of a firearm.

State Law reference - Code of Virginia, § 18.2-56.2.

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Sec. 16-48. - Threats of Death or Bodily Injury to Persons on School Property.

Any person who orally makes a threat to kill or to do bodily injury to (i) any employee of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity or (ii) any student of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity or (iii) any person while on school property or at a school-sponsored activity, is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-60.

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Sec. 16-49. - Stalking, penalty.

- (a) Any person, except a law-enforcement officer, as defined in the Code of Virginia § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in the Code of Virginia § 9.1-138, who is regulated in accordance with the Code of Virginia § 9.1-139 and acting in the course of his legitimate business, who

on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself.

- (b) A person may be convicted under this section irrespective of the jurisdiction or jurisdictions within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried. Evidence of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution under this section provided that the prosecution is based upon conduct occurring within the Commonwealth.
- (c) Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed, issue an order prohibiting contact between the defendant and the victim or the victim's family or household member.

State Law reference - Code of Virginia, § 18.2-60.3.

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- Proposed that the following be adopted as ARTICLE V of CHAPTER 16 of the Code of the Town of Gate City, Virginia.

ARTICLE V. - OFFENSES AGAINST PROPERTY

Sec. 16-50. -Burning or destroying any other building or structure; penalty.

If any person maliciously, or with intent to defraud an insurance company or other person, burn, or by the use of any explosive device or substance, maliciously destroy, in whole or in part, or cause to be burned or destroyed, or aid, counsel or procure the burning or destruction of any building, bridge, lock, dam or other structure, whether the property of himself or of another, at a time when no person is in such building, or other structure, and such building, or other structure, with the property therein, be of the value of less than one thousand dollars (\$1,000.00), he shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-80.

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Sec. 16-51. - Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized, penalty.

Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw, or any other inflammable substance capable of spreading fire, and who

intentionally allows the fire to escape to lands not his own, whereby the property of another valued at less than one thousand dollars (\$1,000.00) is damaged or jeopardized, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00), and shall be liable for the full amount of all expenses incurred in fighting the fire.

State Law reference - Code of Virginia, § 18.2-87.

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Sec. 16-52. - Petit larceny, penalty.

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 one thousand dollars (\$1,000.00), except as provided in clause (iii) of the Code of Virginia § 18.2-95, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-96.

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Sec. 16-53. - Concealing merchandise; altering price tags, penalty.

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, (i) willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (ii) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another, or (iii) counsels, assists, aids or abets another in the performance of any of the above acts, when the value of the goods or merchandise involved in the offense is less than one thousand dollars (\$1,000.00), shall be guilty of misdemeanor petit larceny punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). 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.

State Law reference - Code of Virginia, § 18.2-103.

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Sec. 16-54. - Failure of bailee to return animal, aircraft, vehicle or boat, penalty.

If any person comes into the possession as bailee of any animal, aircraft, vehicle, boat or vessel, and fail to return the same to the bailor, in accordance with the bailment agreement, he shall be deemed guilty of larceny thereof and receive the same punishment, according to the value of the thing stolen, prescribed for the punishment of the larceny of goods and chattels.

The failure to return to the bailor such animal, aircraft, vehicle, boat or vessel, within five days from the time the bailee has agreed in writing to return the same shall be prima facie evidence of larceny by such bailee of such animal, aircraft, vehicle, boat or vessel.

State Law reference - Code of Virginia, § 18.2-117.

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Sec. 16-55. - Trespass after having been forbidden to do so; penalties.

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any 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 or signs posted by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to Code of Virginia, §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2-16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or Code of Virginia, § 19.2-152.10, or an ex parte order issued pursuant to Code of Virginia, § 20-103, and after having been served with such order, he shall be guilty of a misdemeanor punishable by a fine not more than two thousand five hundred dollars (\$2,500.00).

State Law reference- Similar provisions, Code of Virginia, § 18.2-119.

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Sec. 16-56. - Property of another; entering for purpose of damaging, etc., penalty.

It is unlawful 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. Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine not more than two thousand five hundred dollars (\$2,500.00).

State Law reference- Similar provisions, Code of Virginia, § 18.2-121.

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Sec. 16-57. - Trespass upon Church or School Property.

Any person who, without the consent of some person authorized to give such consent, goes or enters 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, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

State Law reference - Code of Virginia, § 18.2-128.

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Sec. 16-58. - Peeping or spying into a dwelling, penalty.

- (a) It shall be unlawful for any person to enter upon the property of another, whether physically or by electronic means, and secretly or furtively peep, spy or attempt to peep or spy into or 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, or to do the same, without just cause, upon property owned by him and leased or rented to another under circumstances that would violate the occupant's reasonable expectation of

privacy. A violation of this sections is a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

- (b) The provisions of this section shall not apply to a lawful criminal investigation or a correctional official or local or regional jail official conducting surveillance for security purposes or during an investigation of alleged misconduct involving a person committed to the state department of corrections or to a local or regional jail.
- (c)

State Law reference - Similar provisions, Code of Virginia, §§ 18.2-130; 18.2-130.1.

Sec. 16-59. - Injuring properties or monuments, penalty.

- (a) If any person unlawfully destroys, defaces, damages, or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages, or removes without the intent to steal, any monument or memorial for war veterans, not his own, described in § 15.2-1812; any monument erected to mark the site of any engagement fought during the Civil War, or any memorial to designate the boundaries of any city, town, tract of land, or any tree marked for that purpose, he shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), provided that the court may, in its discretion, dismiss the charge if the locality or organization that owns or is responsible for maintaining the injured property, monument, or memorial files a written affidavit with the court stating it has received full payment for the injury.
- (b) If any person who is not the owner of such property intentionally causes such injury, he is guilty of a misdemeanor, punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00), if the value of or damage to the property, memorial, or monument is less than one thousand dollars (\$1,000.00). The amount of loss caused by the destruction, defacing, damage, or removal of such property, memorial, or monument may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

State Law reference- Similar provisions, Code of Virginia, § 18.2-137.

Sec. 16-60. - Damaging public buildings, etc.; penalty.

- (a) Any person who willfully and maliciously (i) breaks any window or door of any courthouse, house of public worship, college, school house, city hall, or other public building or library, (ii) damages or defaces any public building or any statuary in or on any public buildings or public grounds, or (iii) destroys any property in any of such buildings shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00), if the damage to the property is less than one thousand dollars (\$1,000.00).
- (b) Any person who willfully and unlawfully damages or defaces any book, newspaper, magazine, pamphlet, map, picture, manuscript, or other property located in any library, reading room, museum, or other educational institution shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00), if the damage to the property is less than one thousand dollars

(\$1,000.00).

State Law reference - Code of Virginia, § 18.2-138.

Sec. 16-61. -Destruction of trees, shrubs, etc., penalty.

- (a) It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, bum 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 by the commonwealth as a public park, or as a refuge or sanctuary for wild animals, birds or fish, or upon any land reserved, set aside or maintained as a public park, by a park authority created under the provisions of Code of Virginia, § 15.2-5702, 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 such actions are 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 misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00); provided, however, that the approval of the owner, his agent, tenant or lessee, or the superintendent or custodian of such park or sanctuary afterwards given in writing or in open court shall be a bar to further prosecution or suit.

State Law reference- Code of Virginia,§ 18.2-140.

Sec. 16-62. - Breaking, injuring, defacing, destroying or preventing the operation of vehicle, aircraft or boat, penalty.

Any person who shall individually or in association with one or more others willfully break, injure, tamper with or remove any part or parts 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 misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference- Similar provisions, Code of Virginia,§ 18.2-146.

Sec. 16-63. - Entering or setting in motion, vehicle, aircraft, boat, locomotive or rolling stock of railroad; exceptions, penalty.

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

punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00), except that the foregoing provision 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.

State Law reference- Similar provisions, Code of Virginia,§ 18.2-147.

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Sec. 16-64. - Injury to hired animal, aircraft, vehicle or boat, penalty.

If any person after having rented or leased from any other person an animal, aircraft, vehicle, boat or vessel shall willfully injure or damage such animal, aircraft, vehicle, boat or vessel, by hard or reckless driving or using, or by using such animal, aircraft, vehicle, boat or vessel in violation of any statute of this commonwealth, or allow or permit any other person so to do, or hire such animal, aircraft, vehicle, boat or vessel to any other person without the consent of the bailor, such person shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

State Law reference - Similar provisions, Code of Virginia,§ 18.2-149.

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Sec. 16-65. - Damage to public utility property; preventing meters from registering; use without consent or diversion of gas, water or electricity, penalty.

- (a) No person shall unlawfully injure or destroy, or having the right to prevent it shall permit to be injured or destroyed, any meter, pipe, conduit, wire, line, post, lamp, switch, connection, valve or other apparatus or appurtenance belonging to the Town or to a public utility serving the Town, nor shall any person unlawfully prevent an electric, gas or water meter from duly registering the quantity of electricity, gas or water supplied or in any way unlawfully interfere with its proper action or just registration, nor shall any person divert or otherwise unlawfully, use or cause to be used without the consent of the Town or such public utility any electricity, gas or water provided by the Town or such public utility, or having the right to prevent it, permit such unlawful use.
- (b) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) where the damage or destruction may be remedied or repaired for less than one thousand dollars (\$1,000.00).

State Law reference- Code of Virginia,§ 18.2-162.

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Proposed that the following be adopted as ARTICLE VI of CHAPTER 16 of the Code of the Town of Gate City, Virginia.

ARTICLE VI. - OFFENSES INVOLVING FRAUD

Sec. 16-66. - Computer trespass; penalty.

- (a) It shall be unlawful for any person, with malicious intent, or through intentionally

deceptive means and without authority, to:

- (1) Temporarily or permanently remove, halt, or otherwise disable any computer data, computer programs or computer software from a computer or computer network;
- (2) Cause a computer to malfunction, regardless of how long the malfunction persists;
- (3) Alter, disable, or erase any computer data, computer programs or computer software;
- (4) Effect the creation or alteration of a financial instrument or of an electronic transfer of funds;
- (5) Use a computer or computer network to cause physical injury to the property of another;
- (6) Use a computer or computer network to make or cause to be made an unauthorized copy, in any form, including, but not limited to, any printed or electronic form of computer data, computer programs or computer software residing in, communicated by, or produced by a computer or computer network;
- (7) Install or cause to be installed, or collect information through, computer software that records all or a majority of the keystrokes made on the computer of another.

(b) Any person who violates this section is guilty of computer trespass, which shall be a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

(c) Nothing in this section shall be construed to interfere with or prohibit terms or conditions in a contract or license related to computers, computer data, computer networks, computer operations, computer programs, computer services, or computer software or to create any liability by reason of terms or conditions adopted by, or technical measures implemented by, a Virginia-based electronic mail service provider to prevent the transmission of unsolicited electronic mail in violation of this article. Nothing in this section shall be construed to prohibit the monitoring of the location of a minor or a person with a disability or mental impairment as those terms are defined in § 51.5-40.1 of the Code of Virginia or to prohibit the monitoring of the computer usage of, the otherwise lawful copying of data of, or the denial of computer or Internet access to a minor by a parent or legal guardian of the minor. Nothing in this section shall be construed to require notice to a computer user of the activities of a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator that a reasonable computer user should expect may occur in the context of a computer user's transaction or relationship with that entity or that are required or specifically authorized by law.

(d) For purposes of this section, the definition(s) of all terms are to be consistent with those terms as adopted in the Code of Virginia § 18.2-152.2.

State Law reference - Code of Virginia, § 18.2-152.4.

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Sec. 16-67. -Harassment by computer; penalty.

If any person, with the intent to coerce, intimidate, or harass any person, shall use a computer or computer network to communicate 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, he is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-152.7:1.

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Sec. 16-68. - Maliciously affixing another's signature to writing; penalty.

Any person who maliciously affixes a facsimile or likeness of the signature of another person to any writing without the permission of that person and with the intent to create the false impression that the writing was signed by that person is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-172.2.

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Sec. 16-69. - Obtaining money, etc., by false pretenses; penalty.

If any person obtain, by any false pretense or token, from any person, with intent to defraud, money, a gift certificate or other property that may be the subject of larceny and valued at less than one thousand dollars (\$1,000.00), he shall be deemed guilty of larceny thereof; and shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-178.

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Sec. 16-70. -Issuing Bad Checks, etc., Larceny; penalty.

- (a) Any person who, with intent to defraud, shall make or draw or utter or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company, or other depository, knowing, at the time of such making, drawing, uttering or delivering, that the maker or drawer has not sufficient funds in, or credit with, such bank, banking institution, trust company, or other depository, for the payment of such check, draft or order, although no express representation is made in reference thereto, shall be guilty of larceny. In cases in which such value is less than one thousand dollars (\$1,000.00), the person shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

- (b) The word "credit" as used herein, shall be construed to mean any arrangement or

understanding with the bank, trust company, or other depository for the payment of such check, draft or order.

- (c) Any person making, drawing, uttering or delivering any such check, draft or order in payment as a present consideration for goods or services for the purposes set out in this section shall be guilty as provided herein.

State Law reference - Code of Virginia, § 18.2-181.

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Sec. 16-71. - Issuance of bad check prima facie evidence of intent and knowledge; notice by certified or registered mail; presumption as to notation attached to check, draft or order.

- (a) In any prosecution or action under the preceding sections, the making or drawing or uttering or delivery of a check, draft, or order, payment of which is refused by the drawee because of lack of funds or credit shall be prima facie evidence of intent to defraud or of knowledge of insufficient funds in, or credit with, such bank, banking institution, trust company or other depository unless such maker or drawer, or someone for him, shall have paid the holder thereof the amount due thereon, together with interest, and protest fees (if any), within five days after receiving written notice that such check, draft, or order has not been paid to the holder thereof. Notice mailed by certified or registered mail, evidenced by return receipt, to the last known address of the maker or drawer shall be deemed sufficient and equivalent to notice having been received by the maker or drawer.
- (b) If such check, draft or order shows on its face a printed or written address, home, office, or otherwise, of the maker or drawer, then the foregoing notice, when sent by certified or registered mail to such address, with or without return receipt requested, shall be deemed sufficient and equivalent to notice having been received by the maker or drawer, whether such notice shall be returned undelivered or not.
- (c) When a check is drawn on a bank in which the maker or drawer has no account, it shall be presumed that such check was issued with intent to defraud, and the five-day notice set forth above shall not be required in such case.
- (d) In any prosecution or action under the preceding sections, any notation attached to or stamped upon a check, draft or order which is refused by the drawee because of lack of funds or credit, bearing the terms "not sufficient funds," "uncollected funds," "account closed," or "no account in this name," or words of similar import, shall be prima facie evidence that such notation is true and correct.

State Law reference - Code of Virginia, §§ 18.2-183 & 18.2-184.

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Sec. 16-72. - False statements to obtain property or credit, penalty.

- (a) A person shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00) if he makes, causes to be made or conspires to make directly, indirectly or through an agency, any materially false statement in writing, knowing it to be false and intending that it 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.

- (b) Any person who knows that a false statement has been made in writing concerning the financial condition or ability to pay of himself or of any person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting and who, with intent to defraud, procures, upon the faith thereof, for his own benefit, or for the benefit of the person, firm or corporation in which he is interested or for which he is acting, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale or endorsement, shall, if the value is less than one thousand dollars (\$1,000.00), be guilty of petit larceny punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (c) Venue for the trial of any person charged with an offense under this section may be in the county or city in which (i) any act was performed in furtherance of the offense, or (ii) the person charged with the offense resided at the time of the offense.
- (d) As used in this section, "in writing" shall include information transmitted by computer, facsimile, e-mail, Internet, or any other electronic medium, and shall not include information transmitted by any such medium by voice transmission.

State Law reference - Code of Virginia, § 18.2-186.

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Sec. 16-73. - Identity theft; penalty; restitution, etc., penalty.

- (a) It shall be unlawful for any person, without the authorization or permission of the person or persons who are the subjects of the identifying information, with the intent to defraud, for his own use or the use of a third person, to:
 - (1) Obtain, record, or access identifying information which is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
 - (2) Obtain money, credit, loans, goods, or services through the use of identifying information of such other person;
 - (3) Obtain identification documents in such other person's name; or
 - (4) Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the government of the Commonwealth.
- (b) It shall be unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to sell or distribute the information to another to:
 - (1) Fraudulently obtain, record, or access identifying information that is not available to the general public that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;
 - (2) Obtain money, credit, loans, goods, or services through the use of identifying

information of such other person;

(3) Obtain identification documents in such other person's name; or

(4) Obtain, record, or access identifying information while impersonating a law-enforcement officer or an official of the Commonwealth.

(b1) It shall be unlawful for any person to use identification documents or identifying information of another person, whether that person is dead or alive, or of a false or fictitious person, to avoid summons, arrest, prosecution, or to impede a criminal investigation.

(c) As used in this section, "identifying information" shall include but not be limited to:

(i) name; (ii) date of birth; (iii) social security number; (iv) driver's license number;

(v) bank account numbers; (vi) credit or debit card numbers; (vii) personal identification numbers (PIN); (viii) electronic identification codes; (ix) automated or electronic signatures; (x) biometric data; (xi) fingerprints; (xii) passwords; or (xiii) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain money, credit, loans, goods, or services.

(d) Violations of this section where the resulting financial loss is less than one thousand dollars (\$1,000.00), shall be a misdemeanor and punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). In any proceeding brought pursuant to this section, the crime shall be considered to have been committed in any locality where the person whose identifying information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in such locality.

(e) Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be ordered by the court to make restitution as the court deems appropriate to any person whose identifying information was appropriated or to the estate of such person. Such restitution may include the person's or his estate's actual expenses associated with correcting inaccuracies or errors in his credit report or other identifying information.

State Law reference- Code of Virginia, § 18.2-186.3.

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Sec. 16-74. - Use of a person's identifying identity with intent to coerce, intimidate or harass; penalty.

It shall be unlawful for any person, with the intent to coerce, intimidate, or harass another person, to publish the person's name, photograph or other identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection (c) of Section 6-8 of this ordinance, or identification of the person's primary residence address. Any person who violates this section is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference- Code of Virginia, § 18.2-186.4.

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- Proposed that the following be adopted as ARTICLE VII of CHAPTER 16 of the Code of the Town of Gate City, Virginia.

ARTICLE VII. - OFFENSES INVOLVING HEALTH AND SAFETY

Sec. 16-75. - Sell, distribute, etc., Schedules III, IV, V and VI drugs, accommodation; penalty.

- (a) Any person who proves that he gave, distributed or possessed with the intent to give or distribute a controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248 of the Code of Virginia, only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility or state correctional facility as defined in § 53.1-1 of the Code of Virginia or in the custody of an employee thereof, and not with the intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (b) Any person who violates this section with respect to a controlled substance classified in Schedule V or Schedule VI or an imitation controlled substance which imitates a controlled substance classified in Schedule V or Schedule VI, shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-248.

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Sec. 16-76. - Possession of controlled substances unlawful; penalty.

- (a) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (Code of Virginia § 54.1-3400 et seq.).

Upon the prosecution of a person for a violation of this section, ownership or occupancy of premises or vehicle upon or in which a controlled substance was found shall not create a presumption that such person either knowingly or intentionally possessed such controlled substance.

- (1) Any person other than an inmate of a penal institution as defined in the Code of Virginia § 53.1-1 or in the custody of an employee thereof, who violates this section with respect to a controlled substance classified in Schedule III shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
 - (2) Violation of this section with respect to a controlled substance classified in Schedule IV shall be punishable as a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00).
 - (3) Violation of this section with respect to a controlled substance classified in Schedule V shall be punishable as a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).
 - (4) Violation of this section with respect to a controlled substance classified in Schedule VI shall be punishable as a misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).
- (b) The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies, jail officers, or correctional officers, as defined in the Code of Virginia § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of a controlled substance or substances is necessary in the performance of their duties.

State Law reference- Code of Virginia, § 18.2-250.

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Sec. 16-77. - Possession or distribution of controlled paraphernalia; definition of controlled paraphernalia; evidence; exceptions.

- (a) For purposes of this section, "controlled paraphernalia" means (i) a hypodermic syringe, needle, or other instrument or combination thereof adapted for the administration of controlled dangerous substances by hypodermic injections under circumstances that reasonably indicate an intention to use such controlled paraphernalia for purposes of illegally administering any controlled drug or (ii) gelatin capsules, glassine envelopes, or any other container suitable for the packaging of individual quantities of controlled drugs in sufficient quantity to and under circumstances that reasonably indicate an intention to use any such item for the illegal manufacture, distribution, or dispensing of any such controlled drug. Evidence of such circumstances shall include, but not limited to, close proximity of any such controlled paraphernalia to any adulterants or equipment commonly used in the illegal manufacture and distribution of controlled drugs including, but not limited to, scales, sieves, strainers, measuring spoons, staples and staplers, or procaine hydrochloride, mannitol, lactose, quinine, or any controlled drug, or any machine, equipment, instrument, implement, device, or combination thereof that is adapted for the production of controlled drugs under circumstances that reasonably indicate an intention to use such item or combination thereof to produce, sell, or dispense any controlled drug in violation of the provisions of this ordinance. "Controlled paraphernalia" does not include narcotic testing products used to determine whether a controlled substance contains fentanyl or a fentanyl analog.
- (b) Except as authorized in the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia), it is unlawful for any person to possess controlled paraphernalia.

- (c) Except as authorized in the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia), it is unlawful for any person to distribute controlled paraphernalia.
- (d) A violation of this ordinance shall be punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (e) The provisions of this section shall not apply to persons who have acquired possession and control of controlled paraphernalia in accordance with the provisions of Article 7 (§ 54.1-3466 et seq. of the Code of Virginia) of the Drug Control Act or to any person who owns or is engaged in breeding or raising livestock, poultry, or other animals to which hypodermic injections are customarily given in the interest of health, safety, or good husbandry; or to hospitals, physicians, pharmacists, dentists, podiatrists, veterinarians, funeral directors and embalmers, persons to whom a permit has been issued, manufacturers, wholesalers, or their authorized agents or employees when in the usual course of their business, if the controlled paraphernalia lawfully obtained continue to be used for the legitimate purposes for which they were obtained.

The provisions of this section and of § 18.2-265.3 of the Code of Virginia shall not apply to (i) a person who dispenses naloxone in accordance with the provisions of subsection Y of § 54.1-3408 of the Code of Virginia and who, in conjunction with such dispensing of naloxone, dispenses or distributes hypodermic needles and syringes for injecting such naloxone or (ii) a person who possesses naloxone that has been dispensed in accordance with the provisions of subsection Y of § 54.1-3408 of the Code of Virginia and possesses hypodermic needles and syringes for injecting such naloxone in conjunction with such possession of naloxone.

State Law reference - Code of Virginia, § 54.1-3466.

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Sec. 16-78. - Attempts; penalty.

Any person who attempts to commit any offense defined in this article or in the Drug Control Act which is a misdemeanor shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00); provided, however, that any person convicted of attempting to commit a misdemeanor for which a lesser punishment may be imposed may be punished according to such lesser penalty.

State Law reference - Code of Virginia, § 18.2-257.

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Sec. 16-79. - Own or Maintain Common Nuisance; penalty.

Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is frequented by persons under the influence of illegally obtained controlled substances, as defined in § 54.1-3401 of the Code of Virginia, or for the purpose of illegally obtaining possession of, manufacturing or distributing controlled substances, or is used for the illegal possession, manufacture or distribution of controlled substances shall be deemed a common nuisance. Any such owner, lessor, agent of any such lessor, manager, chief executive

officer, operator, or tenant who knowingly permits, establishes, keeps or maintains such a common nuisance is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00) when charged as a first offense.

State Law reference - Code of Virginia, § 18.2-258.

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Sec. 16-80. - Throwing or depositing certain substances upon highway; removal of such substances, penalty.

- (a) No person shall throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can, or any other substance likely to injure any person or animal, or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, hazardous or injurious material shall immediately remove such material or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Any persons violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (b) This section shall not apply to the use, by a law enforcement officer while in the discharge of official duties, of any device designed to deflate tires. The commonwealth division of purchase and supply shall, pursuant to Code of Virginia, § 2.1-446, set minimum standards for such devices and shall give notice of such standards to law enforcement offices in the commonwealth. No such device shall be used which does not meet or exceed the standards.

State Law reference - Similar provisions, Code of Virginia, § 18.2-324.

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Sec. 16-81. - First offense, probation; conditions; screening, evaluation and education programs; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any criminal offense under this article or under any statute of the United States or of any state relating to narcotic drugs, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, or pleads guilty to or enters a plea of not guilty to possession of a controlled substance, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to the Code of Virginia § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available

through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to the Code of Virginia § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 24 hours of community service for a misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of the Code of Virginia§ 22.1-315. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to the Code of Virginia§ 16.1-278.9 for the same offense.

State Law reference - Similar provisions, Code of Virginia, § 18.2-251.

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- Proposed that the following be adopted as ARTICLE VIII of CHAPTER 16 of the Code of the Town of Gate City, Virginia.

ARTICLE VIII. - OFFENSES INVOLVING MORALS AND DECENCY

Sec. 16-82. - Causing or encouraging acts rendering children delinquent, abused, etc., penalty.

- (a) Any person 18 years of age or older, including the parent of any child, who (i) willfully contributes to, encourages, or causes any act, omission, or condition that renders a child delinquent, in need of services, in need of supervision, or abused or neglected as defined in§ 16.1-228 of the Code of Virginia or (ii) engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild is guilty of a misdemeanor punishable by a fine of not more than two

thousand five hundred dollars (\$2,500.00).

- (b) If the prosecution under this section is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety

State Law reference - Code of Virginia, § 18.2-371.

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Sec. 16-83. - Unlawful creation of image of another; penalty

- (a) It shall be unlawful for any person to knowingly and intentionally create any videographic or still image by any means whatsoever of any nonconsenting person over the age of 18 years if (i) that person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location; or (ii) the videographic or still image is created by placing the lens or image-gathering component of the recording device in a position directly beneath or between a person's legs for the purpose of capturing an image of the person's intimate parts or undergarments covering those intimate parts when the intimate parts or undergarments would not otherwise be visible to the general public; and when the circumstances set forth in clause (i) or (ii) are otherwise such that the person being recorded would have a reasonable expectation of privacy.
- (b) The provisions of this section shall not apply to any videographic or still image created by any means whatsoever by (i) law-enforcement officers pursuant to a criminal investigation which is otherwise lawful or (ii) correctional officials and local or regional jail officials for security purposes or for investigations of alleged misconduct involving a person committed to the Department of Corrections or to a local or regional jail, or to any sound recording of an oral conversation made as a result of any videotaping or filming pursuant to Chapter 6 (§ 19.2-61 et seq.) of Title 19.2 of the Code of Virginia.
- (c) A violation of subsection A shall be a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-386.1.

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Sec. 16-84. - Unlawful dissemination or sale of images of another; penalty.

- (a) Any person who, with the intent to coerce, harass, or intimidate, maliciously disseminates or sells any videographic or still image created by any means whatsoever that depicts another person who is totally nude, or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast, where such person knows or has reason to know that he is not

licensed or authorized to disseminate or sell such videographic or still image is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). For purposes of this subsection, "another person" includes a person whose image was used in creating, adapting, or modifying a videographic or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic.

- (b) If a person uses services of an Internet service provider, an electronic mail service provider, or any other information service, system, or access software provider that provides or enables computer access by multiple users to a computer server in committing acts prohibited under this section, such provider shall not be held responsible for violating this section for content provided by another person.
- (c) Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any videographic or still image created by any means whatsoever is produced, reproduced, found, stored, received, or possessed in violation of this section.
- (d) The provisions of this section shall not preclude prosecution under any other statute.

State Law reference - Code of Virginia, § 18.2-386.2.

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Sec. 16-85. - Indecent exposure, penalty.

Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.

State Law reference - Code of Virginia, § 18.2-387.

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Sec. 16-86. - Intoxication in public, penalty.

If any person is intoxicated in public, whether such intoxication results from alcohol, narcotic drug, or other intoxicant or drug of whatever nature, he is guilty of a misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).

State Law reference - Code of Virginia, § 18.2-388.

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- Proposed that the following be adopted as ARTICLE IX of CHAPTER 16 of the Code of the Town of Gate City, Virginia.

ARTICLE IX. - OFFENSES INVOLVING PEACE AND ORDER

Sec. 16-87. -Begging, penalty.

- (a) It shall be unlawful for any person to beg on any street or public way or place in the city.
- (b) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).

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Sec. 16-88. - Loitering, penalty.

- (a) No person shall loiter, lounge or sleep in or upon any street, park or public place or in any public building. Anyone violating the provision(s) of this section shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).
- (b) For the purposes of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:
 - (1) Molesting or interfering with any person lawfully upon any street, park or other public place.
 - (2) Remaining idle in essentially one location without a legitimate business or purpose in so remaining idle; provided that such idleness is blocking the ingress or egress to a public place, threatening public safety, or likely to cause a breach of the peace.
 - (3) Refusing to move on when so requested by a peace officer; provided that the peace officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.
 - (4) For the purpose of this section, the term "other public place" shall be deemed to include the quasipublic area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and shall include also any parking lots or other vacant private property not owned or under the dominion of the person charged with a violation of this section.

State Law reference - Code of Virginia, § 15.2-926.

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Sec. 16-89. - Obstructing free passage of others, penalty.

- (a) Any person or persons 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 misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (b) Lawful picketing shall not be construed as a violation of subsection (A) of this section.

State Law reference - Similar provisions, Code of Virginia, § 18.2-404.

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Sec. 16-90. - Rioting, penalty.

- (a) Every person who participates in a riot shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (b) Every person, except the owner or lessee of the premises, his family and nonrioting guests, and public officers and persons assisting them, remaining present at the place of any riot after having been lawfully warned to disperse shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).
- (c) A riot is any unlawful use, by three or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace or order.

State Law reference - Similar provisions, Code of Virginia, §§ 18.2-405, 18.2-407.

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Sec. 16-91. - Unlawful assembly, penalty.

- (a) Every person who participates in an unlawful assembly shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (b) Every person, except the owner or lessee of the premises, his family and nonrioting guests, and public officers and persons assisting them, remaining present at the place of an unlawful assembly after having been lawfully warned to disperse shall be guilty of a class 3 misdemeanor.
- (c) An unlawful assembly occurs whenever three or more persons assembled share the common intent to advance some lawful, 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.

State Law reference- Similar provisions, Code of Virginia, §§ 18.2-406, 18.2-407.

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Sec. 16-92. - Disorderly conduct generally, penalty.

- (a) A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, he:
 - (1) In any street, highway, or public building, or while in or on a public conveyance, or while in a 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;
 - (2) Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society,

or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

- (3) Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.
- (b) The conduct prohibited under subsection A shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this title.
- (c) The person in charge of any such building, place, conveyance, meeting, operation, or activity 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.
- (d) The provisions of this section shall not apply to any elementary or secondary school student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus as defined in the Code of Virginia§ 46.2-100, or at any activity conducted or sponsored by any elementary or secondary school.
- (e) A person violating any provision of this section shall be guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-415.

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Sec. 16-93. - Abusive language, penalty.

It shall be unlawful for any person in the county, in the presence or hearing of another, to curse or abuse such 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.

Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

State Law reference- Code of Virginia,§ 18.2-416.

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Sec. 16-94. - Slander and Libel, penalty

Any person who shall falsely utter and speak, or falsely write and publish, of and concerning any person of chaste character, any words derogatory of such person's character for virtue and chastity, or imputing to such person acts not virtuous and chaste, or who 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 person of good character or reputation, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00).

The defendant shall be entitled to prove upon trial 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.

State Law reference- Code of Virginia,§ 18.2-417.

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- Proposed that the following be adopted as ARTICLE X of CHAPTER 16 of the Code of the Town of Gate City, Virginia.

ARTICLE X. - OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE

Sec. 16-95. - Obstructing justice, penalty.

- (a) If any person without just cause knowingly obstructs a witness, any law-enforcement officer of Scott County, or animal control officer of Scott County employed pursuant to§ 3.2-6555 of the Code of Virginia in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555 of the Code of Virginia, he is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (b) Except as provided in subsection C, any person who, by threats or force, knowingly attempts to intimidate or impede a witness, any law-enforcement officer of Scott County, or an animal control officer of Scott County employed pursuant to§ 3.2-6555 of the Code of Virginia lawfully engaged in his duties as such is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (c) Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer of Scott County or an animal control officer of Scott County employed pursuant to§ 3.2-6555 of the Code of Virginia who is in the course of conducting an investigation of a crime by another is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (d) Any person who intentionally prevents or attempts to prevent a law-enforcement officer of Scott County from lawfully arresting him, with or without a warrant, is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). For purposes of this subsection, intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave.

State Law reference - Code of Virginia, § 18.2-460.

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Sec. 16-96. - Falsely summoning or giving false reports to law-enforcement officials, penalty.

It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any law-enforcement official with intent to mislead; or (ii) without just cause and with intent to interfere with the operations of any law-enforcement official, to call or summon any law-enforcement official

by telephone or other means, including engagement or activation of an automatic emergency alarm. Violation of the provisions of this section shall be a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 18.2-461

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Sec. 16-97. - Escape without force or violence, penalty.

Any person lawfully confined in jail or lawfully in the custody of any court, officer of the court, or of any law-enforcement officer for violation of his probation or parole or on a charge or conviction of a misdemeanor, who escapes, other than by force or violence or by setting fire to the jail, is guilty of a misdemeanor punishable by a fine of not more than \$2,500.00.

State Law reference - Code of Virginia, § 18.2-479.

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Sec. 16-98. - Giving false identity to law enforcement officer, penalty.

Any person who (i) falsely identifies himself to a law-enforcement officer with the intent to deceive the law-enforcement officer as to his real identity after having been lawfully detained and after being requested to identify himself by a law-enforcement officer; or (ii) fails to identify himself to a law enforcement officer after having been lawfully detained based on reasonable suspicion of criminal activity is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

State Law reference - Code of Virginia, § 19.2-82.1.

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- Proposed that the following be adopted as ARTICLE IV of CHAPTER 26 of the Code of the Town of Gate City, Virginia.

ARTICLE IV. - MOTOR VEHICLE PROVISIONS

Sec. 26-66. -Driving without license prohibited; penalty.

- (a) No person, except those expressly exempted in Code of Virginia §§ 46.2- 303 through 46.2-308, shall drive any motor vehicle on any highway in the Commonwealth until such person has applied for a driver's license, as provided in Title 46.2 of the Code of Virginia, satisfactorily passed the examination required by the Code of Virginia § 46.2-325, and obtained a driver's license, nor unless the license is valid.
- (b) A violation of this section is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). A second or subsequent violation of this section is a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).

Sec. 26-67. - Driving while license, permit, privilege to drive suspended or revoked, penalty.

- (a) In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of the Code of Virginia§ 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked for (i) a violation of the Code of Virginia § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an habitual offender, where such adjudication was based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of the Code of Virginia§ 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.
- (b) Except as provided in the Code of Virginia§§ 46.2-304 and 46.2-357, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.
- (c) A violation of subsection B is a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (d) Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired.
- (e) Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown,

authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of the Code of Virginia§ 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act(§ 46.2-341.1 et seq.) of the Code of Virginia. The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

State Law reference - Code of Virginia, § 46.2-301

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Sec. 26-68. -Disregarding signal by law enforcement officer to stop; eluding police, penalty.

- (a) Any person who, having received a visible or audible signal from any law- enforcement officer to bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such signal or who attempts to escape or elude such law-enforcement officer whether on foot, in the vehicle, or by any other means, is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). It shall be an affirmative defense to a charge of a violation of this subsection if the defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement officer.
- (b) When any person is convicted of an offense under this section, the driver's license of such person shall be suspended by the court for a period of not less than thirty days nor more than one year. However, in any case where the speed of such person is determined to have exceeded the maximum allowed by twenty miles per hour, his driver's license shall be suspended by the court trying the case for a period of not less than ninety days. In case of conviction and suspension, the court or judge shall order the surrender of the license to the court, which shall dispose of it in accordance with the provisions of the Code of Virginia§ 46.2-398.
- (c) Violation of this section shall constitute a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

State Law reference- Code of Virginia,§ 46.2-817.

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Sec. 26-69. - Reckless Driving; General Rule.

Irrespective of the maximum speeds permitted by law, any person who drives a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person shall be guilty of reckless driving.

State Law reference - Code of Virginia, § 46.2-852.

Sec. 26-70. - Reckless Driving; Exceeding Speed Limit.

A person shall be guilty of reckless driving who drives a motor vehicle on the highways in Scott County (i) at a speed of twenty miles per hour or more in excess of the applicable maximum speed limit or (ii) in excess of eighty-five miles per hour regardless of the applicable maximum speed limit.

State Law reference - Code of Virginia, § 46.2-862.

Sec. 26-71. - Reckless Driving; Penalties.

- (a) Every person convicted of reckless driving under the provisions of this article is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00).
- (b) The punishment for every person convicted of reckless driving under the provisions of this article who, when he committed the offense, was in violation of the Code of Virginia § 46.2-1078.1 shall include a mandatory minimum fine of two hundred fifty dollars (\$250.00).

State Law reference - Code of Virginia, § 46.2-868.

Sec. 26-72. -Aggressive Driving; Penalties.

- (a) A person is guilty of aggressive driving if (i) the person violates one or more of the following provision of the Code of Virginia: § 46.2-802 (Drive on right side of highways), § 46.2-804 (Failure to observe lanes marked for traffic), § 46.2-816 (Following too closely), § 46.2-821 (Vehicles before entering certain highways shall stop or yield right-of-way), § 46.2-833.1 (Evasion of traffic control devices), § 46.2-838 (Passing when overtaking a vehicle), § 46.2-841 (When overtaking vehicle may pass on right), § 46.2-842 (Driver to give way to overtaking vehicle), § 46.2-842.1 (Driver to give way to certain overtaking vehicles on divided highway), § 46.2-843 (Limitations on overtaking and passing), any provision of Article 8 (§ 46.2-870 et seq.) of Chapter 8 of Title 46.2 (Speed), or § 46.2-888 (Stopping on highways); and (ii) that person is a hazard to another person or commits an offense in clause (i) with the intent to harass, intimidate, injure or obstruct another person.
- (b) Aggressive driving shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). However, aggressive driving with the intent to injure another person shall be a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). In addition to the penalties described in this subsection, the court may require successful completion of an aggressive driving program.

State Law reference - Code of Virginia, § 46.2-868.1.

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Sec. 26-73. - Duty of driver to stop in event of accident involving damage to property, penalty.

- (a) The driver of any vehicle involved in an accident in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic, as provided in the Code of Virginia § 46.2-888, and report his name, address, driver's license number, and vehicle registration number forthwith to the local law-enforcement agency, to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property. The driver shall also render reasonable assistance to any person injured in such accident, including taking such injured person to a physician, surgeon, or hospital if it is apparent that medical treatment is necessary or is requested by the injured person.
- (b) Where, because of injuries sustained in the accident, the driver is prevented from complying with the foregoing provisions of this section, the driver shall, as soon as reasonably possible, make the required report to the local law-enforcement agency and make a reasonable effort to locate the person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the damaged property, and report to such person or persons his name, address, driver's license number, and vehicle registration number.
- (c) Any person convicted of a violation of this section is guilty of a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00), if the accident results in damage of one thousand dollars (\$1,000.00) or less to property.

State Law reference - Code of Virginia, § 46.2-894.

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Sec. 26-74. - Duties of driver in event of accident involving damage, penalty.

- (a) The driver of any vehicle involved in an accident in which no person is killed or injured, but in which an unattended vehicle or other unattended property is damaged, shall make a reasonable effort to find the owner or custodian of such property and shall report to the owner or custodian the information which the driver is required to report pursuant to § 46.2-894 of the Code of Virginia, if such owner or custodian is found. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note or other sufficient information including driver identification and contact information in a conspicuous place at the scene of the accident and shall report the accident in writing within 24 hours to the State Police or the local law-enforcement agency. Such note or other information and written report shall contain the information that the driver is required to report pursuant to § 46.2- 894 of the Code of Virginia. The written report shall, in addition, state the date, time, and place of the accident and the driver's description of the property damage.
- (b) Where, because of injuries sustained in the accident, the driver is prevented from complying with the foregoing provisions of this section, the driver shall, as soon as reasonably possible, make the required report to the State Police or local law-

enforcement agency and make a reasonable effort to locate the owner or custodian of the unattended vehicle or property and report to him the information required by § 46.2-894 of the Code of Virginia.

- (c) Failure to comply with the requirements of this section shall be a misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00). If the damaged property is unattended and such damage is less than two hundred fifty dollars (\$250.00), such person shall be guilty of a misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).

State Law reference - Code of Virginia, §§ 46.2-896, 46.2-900.

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