

# PITTSYLVANIA COUNTY CODE

## CHAPTER 12

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## CHAPTER 12

### OFFENSES

#### **SEC. 12-1. RESERVED**

*(B.S.M. 12-5-11)*

#### **SEC. 12-2. CARRYING CONCEALED WEAPONS.**

If any person carry about his person, hid from common observation, any pistol, dirk, bowie knife, switchblade knife, razor, slug shot, metal knuckles, or any weapon of like kind, he shall upon conviction thereof be fined not less than twenty (20) dollars nor more than five hundred (\$500.00) dollars, and, in the discretion of the jury or the court trying the case with a jury, may, in addition thereto, be committed to jail for not more than twelve (12) months, and such pistol, dirk, bowie knife, switchblade knife, razor slug shot, metal knuckles, or weapon of like kind, shall by order of the court be forfeited to the Commonwealth and may be seized by an officer as forfeited, and such as may be needed for police officers and conservators of the peace shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

**(B.S.M. 8-5-64)**

#### **SEC. 12-3. COLLISION WITH OR DAMAGE TO CHANNEL MARKERS ON SMITH MOUNTAIN LAKE.**

No person shall take possession of, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any channel marker on Smith Mountain Lake established and maintained by the Counties of Bedford, Campbell, Franklin, and Pittsylvania.

Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding three hundred (\$300.00) dollars or by imprisonment (in case of a natural person) for not more than thirty (30) days, or both.

The penalty provisions of this Section may be waived as to any person or corporation who shall within five (5) days report any such damage to the nearest Sheriff of Bedford, Campbell, Franklin, or Pittsylvania Counties, in addition to such accident report as may be required by State Statute and provide security for such repairs or replacement as may be necessary. **(B.S.M. 1-2-68)**

#### **SEC. 12-4. DRINKING IN A PUBLIC SCHOOL.**

If any person in any public free school or any public free school grounds, during school hours or school or student activities shall take a drink of any alcoholic beverage or have in his possession any alcoholic beverage, he shall be guilty of a misdemeanor and fined not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars. **(B.S.M. 12-7-70)**

#### **SEC. 12-5. FIREWORKS.**

1. It shall be unlawful for any person, firm or corporation to possess, transport, manufacture, store, sell, offer for sale, expose for sale, or buy, use, ignite, or explode any firecracker, torpedo, skyrocket or other substance or thing, of whatever form of construction containing nitrates, chlorates, oxalates, sulphids of lead, barium, antimony, nitroglycerine, phosphorous, or any other explosive or inflammable compound or substance, and intended, or commonly known as fireworks.
2. Any person convicted of a violation of this ordinance shall be punished by a fine not exceeding three hundred (\$300.00) dollars or confinement in jail not exceeding thirty (30) days, either or both.
3. This ordinance shall not apply to “*see page 50*”, sparklers, caps for pistols, nor to any articles commonly known as display fireworks which are not explosive.
4. In addition to its general application this ordinance shall apply to interstate commerce.
5. The provisions of this ordinance are severable and if any provision shall be declared invalid, this shall not affect the other provisions of this ordinance.
6. The articles enumerated above, the possession, storage or use of which is prohibited are hereby declared contraband, all property rights therein are forfeited and the Court shall, in cases of conviction, order said articles to be destroyed by Law Enforcement Officers. **(B.S.M. 11-5-45) (B.S.M. 11-13-45) (B.S.M. 12-2-46) (B.S.M. 12-11-50) (B.S.M. 2-6-52)**

#### **SEC. 12-6. HUNTING ON HIGHWAYS OR HIGHWAY RIGHT OF WAYS.**

- (a) Hunting or attempting to hunt, with a firearm of any game bird or game animal while the hunting or attempting to hunt is on the highway or right of way of the same in Pittsylvania County is prohibited.
- (b) Any violation of this ordinance shall be punishable as a Class 3 misdemeanor.
- (c) The term “hunt” or “attempt to hunt” shall not include the necessary crossing of such highways for the bona fide purpose of going into or leaving a lawful hunting area.

*Authority: Virginia Code Section 29.1-526 (B.S.M. 4-6-92)*

## **SEC. 12-7. MARATHON OR WALKING CONTEST.**

1. It shall be unlawful for any person, firm or corporation engaged in the operation of any marathon or walking contest, performance or exhibition held in the County of Pittsylvania, to operate or conduct the same between the hours of 6 p.m. and 8 a.m. of the following day.
2. It shall be unlawful for any person to participate in any marathon or walking contest, marathon dance, walkathon or other similar physical endurance contest, performance or exhibition in the County of Pittsylvania between the hours of 6 p.m. and 8 a.m. of the following day.
3. Any person, firm or corporation violating the provisions of this ordinance shall upon conviction, be liable to a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) for each offense, and in addition may, in the discretion of the Justice or Court trying the case be confined in the County Jail for a period of not more than thirty (30) days, for each offense. Each day's continuance to violate the provisions of this ordinance shall be deemed a separate offense. **(B.S.M. 8-5-35)**

## **SEC. 12-8. MISDEMEANOR.**

A misdemeanor for which no punishment or no maximum punishment is prescribed by ordinance shall be punished by fine not exceeding five hundred (\$500.00) dollars or confinement in jail not exceeding twelve (12) months, or both, in the discretion of the jury or of the court trying the case without jury. **(B.S.M. 2-2-65)**

## **SEC. 12-9. SOLICITORS AND PEDDLERS.**

### **SEC. 12-9.1. DEFINITIONS.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Canvasser or solicitor.* Any individual, whether a resident of the County or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance from house-to-house, or from street-to-street, taking or attempting to take orders for sales of goods, wares, or merchandise, subscriptions, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future whether such individual has, carries, or exposes for sale, a sample of such sale or whether he/she is collecting advance payments on such sales. This definition shall include any person who, for himself/herself or for any other person, corporation or organization, hires, leases, uses, or occupies any building, structure, lodging house, apartment, shop, or any other place within the County for the sole purpose of exhibiting samples and taking orders for future delivery.

*House.* Any single or multifamily private dwelling.

*Peddler.* Any person, whether a County resident or not, traveling by foot, wagon, automotive vehicle, motor truck, or any other type of conveyance, from house-to-house, or from street-to-street, carrying, conveying, or transporting goods, wares, and merchandise, offering and exposing the same for sale, or making sales or delivering articles to purchasers, or who, by traveling from house-to-house, shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck, railroad car, or other vehicle or conveyance; provided that one who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of the scheme or design to evade the provisions of this chapter, shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall also include the words "hawker" and "huckster."

*Peddler, solicitor, or canvasser.* The terms "peddler," "solicitor," or "canvasser" shall not be construed to include the following:

- (1) Farmers or traveling gardeners selling, offering for sale, or soliciting orders for any products grown, raised, or produced by them.
- (2) Vendors of milk, butter, eggs, poultry, fish, oysters, game, meat, ice, wood, charcoal, or other family supplies of a perishable nature.
- (3) Persons peddling, soliciting, or canvassing, where the proceeds derived therefrom are to be used for charitable purposes on behalf of a nonprofit charitable, civic, or religious organization, who have means of official identification provided by such organization.
- (4) Persons peddling, soliciting, or canvassing, or on behalf of qualified and filed candidate(s) for public office, a political party, or referendum.
- (5) Salesmen or agents for wholesale houses or firms who solicit orders from or sell to retail dealers in the County for resale or other commercial purposes, or to manufacturers for manufacturing or other commercial purposes.
- (6) Children of or under seventeen (17) years of age, except when they are acting as agents of adults covered by this article.
- (7) Newspaper delivery men/women on a regular route.
- (8) Route deliverymen/deliverywomen who make regular deliveries to regular customers and whose solicitation is only incidental to their regular deliveries.
- (9) Persons licensed under the provisions of Title 38.2, Code of Virginia, 1950, as amended.
- (10) Persons who visit residential premises at the request or invitation of the owner or occupant thereof.

#### **SEC. 12-9.2. CERTIFICATE OF REGISTRATION REQUIRED.**

It shall be unlawful for any solicitor, canvasser, or peddler, as defined in section 12-9.1, to engage in such activity within the meaning and application of this chapter within the County limits without first obtaining and possessing a valid registration certificate therefore in compliance with the provisions of this chapter.

**SEC. 12-9.3. PERMIT-APPLICATION GENERALLY.**

- (a) An application for a permit required by this chapter shall be made to the Sheriff for the County of Pittsylvania, Virginia ("Sheriff"), or his/her designee. Such application shall be sworn to and filed with the Sheriff, or his/her designee, at least fifteen (15) days prior to the time at which the permit applied for shall become effective. The application shall contain the following information, or in lieu thereof, a detailed statement of the reasons why such information cannot be furnished:
- (1) The name, address, or headquarters of the person applying for the permit.
  - (2) If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the office having charge of the applicant's records.
  - (3) The make, model, vehicle identification number, and license plate of any vehicle used in conducting the solicitation.
  - (4) The kinds of goods, wares, or merchandise offered for sale, and whether such applicant, upon any such order obtained, will demand, accept, or receive payment or deposit of money in advance of final delivery.
  - (5) The period of time the applicant wishes to solicit to take orders in the County, giving the preferred dates for the beginning and ending of such solicitation.
  - (6) The names and addresses of the person(s) who will be in direct charge of conducting the solicitation, and the names of all promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation.
  - (7) An outline of the method or methods to be used in conducting the solicitation.
  - (8) A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the County, or by any department or officer thereof.
  - (9) A statement as to whether the applicant, or all promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation has ever been convicted of a felony or a misdemeanor involving moral turpitude and, if so, under what circumstances.
  - (10) Such other information as may be reasonably required by the Sheriff, or his/her designee, in order to determine the kind and character of the proposed solicitation, and whether such solicitation is in the interest of and not inimical to the public welfare.
- (b) If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall notify the administrator in writing thereof within twenty-four (24) hours after such change.

**SEC. 12-9.4. STANDARDS FOR GRANTING CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL OF SAME.**

- (a) A certificate of registration shall be granted unless the Sheriff, or his/her designee, finds:
- (1) That the criminal record of the applicant, or any promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation, shows that he/she/they has been convicted (including pleas of *nolo contendere* and forfeitures) of a crime involving moral turpitude or of a felony.
  - (2) That the applicant, or any promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation has been convicted (including pleas of *nolo contendere* and forfeitures) of more than one (1) misdemeanor, excluding motor vehicle code violations.
  - (3) That the applicant, or any promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation has made a false, fraudulent, or misleading material statement in his/her/their application.
  - (4) That the applicant, or any promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation, has been convicted (including pleas of *nolo contendere* and forfeitures) of a violation of the laws of any jurisdiction relating to selling, vending, soliciting, peddling, hawking, or canvassing.
  - (5) That the applicant, or any promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation, has been convicted of a crime involving a fraud upon any person, whether or not such fraud was perpetrated in the course of his/her/their conducting a solicitation activity.
- (b) The Sheriff, or his/her designee, shall file in his/her office, for public inspection, and shall serve upon the applicant, by registered mail, a written statement of facts and his/her decision upon each application.

**SEC. 12-9.5. APPLICANT'S PHOTOGRAPH, IDENTIFICATION, REFERENCES, AND FINGERPRINTS.**

- (a) All applications for a permit under this chapter shall be accompanied by a photograph of the applicant, and any and all other promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation, two (2) forms of official U.S. government identifications for each of the aforementioned persons, and two (2) written references as to his, her, or their, good character; all photographs of the aforementioned persons shall be attached to the application.
- (b) All applicants, or any promoters, peddlers, solicitors, or canvassers connected, or to be connected, with the proposed solicitation, for a permit under this chapter shall be fingerprinted by the Pittsylvania County Sheriff's Office, which department shall send the prints to the Federal Bureau of Investigation for checking.



**SEC. 12-9.6. APPLICANT'S BOND.**

If the application filed pursuant to this chapter shows that the applicant filing the same will receive, demand, or accept the payment or deposit of money in advance of final delivery of goods, wares, merchandise, magazines, photographs, or other articles, such application shall be accompanied by a bond in the penal sum of one thousand five hundred dollars (\$1,500.00), or by a certified check in the same amount. Such bond shall be executed by the applicant as principal, and a surety company licensed to do business as such in the state, and shall be approved as to form by the County Attorney. Such bond shall be conditioned upon making final delivery of such goods, wares, merchandise, magazines, photographs, or other articles in accordance with the terms of any order(s) obtained. Such bonds shall be for the use and benefit of all persons who pay in advance or make an advance deposit on the purchase price of such order(s), and the terms of such bond shall so stipulate; any such bond or check shall be held to a period not to exceed sixty (60) days after final delivery of all such goods, wares, merchandise, photographs, or other articles.

**SEC. 12-9.7. MISREPRESENTATION IN APPLICATION.**

No person shall make any false or misleading statement or misrepresentation in any application filed under this chapter. Violations of this provision shall be a Class 1 misdemeanor punishable in accordance with section 18-14 of this chapter.

**SEC. 12-9.8. FEE.**

The fee for a permit required by this chapter shall be twenty dollars (\$20.00), which shall be paid at the time the permit application is filed. Such fee is nonrefundable.

**SEC. 12-9.9. TERM.**

No permit granted under this chapter shall be issued for a longer period than ninety (90) days.

**SEC. 12-9.10. PERMIT AS SOLICITATION IDENTIFICATION CARD.**

In the event a permit is obtained under this chapter, such permit shall constitute an identification card, and shall be carried and prominently displayed on the outermost layer of clothing by all person(s) obtaining such permit at all times while engaged in soliciting or taking orders pursuant thereto. It shall be the duty of the permittee to have sufficient copies of the permit made in order to provide one (1) to each employee soliciting under the permit and each employee shall carry such copy while soliciting. It shall be the duty of each person soliciting pursuant to such permit to exhibit the same when requested by any County resident, law enforcement officer, or prospective customer.

**SEC. 12-9.11. EXHIBITION OR USE OF ANOTHER PERSON'S PERMIT OR ALTERED PERMIT.**

No person shall exhibit or use any permit that has been issued to another person under this chapter. This prohibition does not apply to an employee using or exhibiting a copy of such a permit pursuant to section 12-9.12. Nor shall any person exhibit or use a permit issued under this chapter that has been altered.

**SEC. 12-9.12. PERMIT DENIAL; APPLICATION FOR RELIEF.**

- (a) Upon denying a permit applied for under this chapter, the Sheriff, or his/her designee, shall promptly notify the permit applicant.
- (b) Within five (5) days after receiving notification that the application for a permit to solicit under this chapter has been denied, the applicant may file a written request for a hearing on the application before the Board of Supervisors of the County of Pittsylvania, Virginia (the "Board of Supervisors"), together with written exceptions to the findings of fact upon which the Sheriff, or his/her designee, based the denial. Upon the filing of such a request, the Board of Supervisors shall fix a time and place for the hearing and shall notify the applicant thereof. The hearing shall be held within thirty (30) days after the request is filed. At the hearing, the applicant may present evidence in support of the application. Any interested person may, in the discretion of the Board of Supervisors, be allowed to participate in the hearing and present evidence in opposition to or support of the application.
- (c) Within twenty-one (21) days after the conclusion of the hearing provided for in subsection (b), the Board of Supervisors shall either grant or deny the application for a permit.

**SEC. 12-9.13. SUPERVISION OF PERMITTEE; REVOCATION OF PERMIT.**

Whenever it shall be shown, or whenever the Sheriff, or his/her designee, has knowledge, that any person to whom a permit has been issued under this article has engaged in any fraudulent practice or misrepresentation, has violated any of the provisions of this chapter, or that any person, employee or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Sheriff, or his/her designee, shall immediately suspend the permit and give the permit holder written notice, by registered or certified mail, of a hearing to be held within five (5) working days of such suspension to determine whether the permit should be revoked. The notice shall contain a statement of the facts upon which the Sheriff, or his/her designee, based the suspension of the permit, and any other facts which may aid the Sheriff, or his/her designee, in determining whether this chapter has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the Sheriff, or his/her designee, finds that this chapter has been violated, or the purpose of the solicitation misrepresented, he/she shall, within five (5) days after the hearing, file in his/her office for public inspection and serve upon the permit holder and all interested persons participating in the hearing, a full written statement of the facts upon which he/she based such finding and

shall immediately revoke the permit, and refer the matter to the Pittsylvania Commonwealth's Attorney's Office for it to determination as to whether or not to proceed with criminal prosecution for violation of the terms of this Ordinance or any and all other pertinent laws of the Commonwealth of Virginia. If, after such hearing, the Sheriff, or his/her designee, finds the chapter has not been violated, the Sheriff, or his/her designee, shall, within two (2) days after the hearing, give to the permit holder a written statement canceling the permit suspension and stating that no violation or misrepresentation was found.

#### **SEC. 12-9.14. PENALTY.**

Any person who shall violate any of the provisions of this chapter shall be guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine up to two thousand five hundred dollars (\$2,500.00) or undergo imprisonment for not more than twelve (12) months, or both.

#### **SEC. 12-9.15. SEVERABILITY.**

If any provision of this chapter, or the application of such provision to any person or under any circumstances shall be invalid, the remainder of this chapter, or the application of such provisions to persons or under circumstances, other than those than those to which it shall have been held invalid, shall not be affected thereby.

*(B.S.M. 4-17-12)*

#### **SEC. 12-10. PROFANE.**

1. If a person arrived at the age of discretion profanely curses or swears or gets to be drunk in public, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one (1) nor more than twenty-five (\$25.00) dollars.
2. If any person shall be convicted for being drunk in public three times within one (1) year in this State, upon the third (3<sup>rd</sup>) or subsequent conviction for such offense within the period of one (1) year, such person may be punished by imprisonment in jail for not more than six (6) months or by a fine of not more than fifty (\$50.00) dollars, or by both such fine and imprisonment. **(B.S.M. 10-6-64)**

#### **SEC. 12-11. PUBLIC DANCE HALLS.**

1. Public dance halls, as hereinafter defined, shall be closed at 12:00, midnight, on Monday, Tuesday, Wednesday, Thursday and Friday nights of each week, and remain closed until 8:00 o'clock a.m. the following morning; and on Saturday night of each week said dance halls shall be close at 12:00 o'clock, midnight, and remain closed until 8:00 a.m. the following Monday morning.
2. Any person, firm or corporation operating a public dance hall, as hereinafter defined, during the hours prohibited above, shall be guilty of a misdemeanor and upon

conviction thereof shall be fined not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each offense.

3. A public dance hall, as used herein, shall be construed to mean any place open to the general public where dancing is permitted to which an admission fee is charged or for which compensation is in any manner received either directly or indirectly by cover charge or otherwise, or where refreshments or food of any form of merchandise are served for compensation before, during or after dancing, the sale of any refreshments, food or any form of merchandise at any such place or the exhibiting of such for sale shall be deemed direct compensation for any such dance hall within the meaning of this section.
4. This ordinance shall not apply to dances held for benevolent or charitable purposes or to dances conducted under the auspices of religious, educational, civic, or military organizations. **(B.S.M. 6-2-54)**

### **PUBLIC DANCE HALL ORDINANCE**

No person, firm, association, or corporation shall operate or conduct a public dance hall, as herein defined, in Pittsylvania County unless a permit for such operation has been obtained from the County Administrator of Pittsylvania County.

Any person, firm, association, or corporation desiring a permit to operate or conduct a public dance hall shall make a written application to the County Administrator of Pittsylvania County. The application must be made by the owner, lessee, or person, firm, association or corporation having legal control and possession of the premises sought to be used as public dance hall. The application shall state: (1) the name and address of the applicant or applicants; (2) the location of the premises sought to be used as a public dance hall; (3) the applicant's interest in the premise to be used as a public dance hall; (4) whether the applicant or applicants have been convicted of a crime punishable as a felony in the State of Virginia, and if so, the date of such conviction and the offense; (5) a request for issuance of a public dance hall permit; and (6) the signature of the applicant or applicants.

The County Administrator shall interview the applicant and if satisfied that the written application is accurate and that the applicant has produced written evidence that the Building Code Administrator, the local Director of Public Health, and the Fire Marshall have approved the proposed site as meeting local standards for public health and safety, shall issue to the applicant a permit to conduct a public dance hall within the confines of Pittsylvania County at the location of the premises described in the application.

Any permit issued under this Section may be revoked upon petition made to the Board of Supervisors of Pittsylvania County. Upon filing of a petition seeking revocation of a permit, a copy of the petition shall be served on the person, firm, association, or corporation to whom the permit was issued in the manner provided for service of process in civil cases. The Board shall set a date for hearing evidence pertaining to the revocation of the permit, allowing a reasonable time, after service of the petition upon the person or entity to whom

the permit was issued, for said person or entity to be present and to offer evidence at said hearing in opposition to the revocation. A permit shall not be revoked except for the following grounds:

1. Violation of the Alcoholic Beverage Control Laws of the Commonwealth of Virginia by the person or entity to which the permit was issued, or the employee of such person or entity;
2. Violation of any statute or ordinance by the person or entity to which the permit was issued, if the violation of such statute or ordinance would be punishable as a felony in the Commonwealth of Virginia;
3. Violation of any building, safety, health, or fire code or regulation pertaining to the public dance hall premises;
4. Violation of the provisions of this Section pertaining to the hours and times of operation of a public dance hall; and
5. Failure to pay the license tax prescribed for the operation of a public dance hall.

Every person, firm, association, or corporation to whom a Public Dance Hall Permit has been issued shall pay an annual license tax to Pittsylvania County of four hundred and fifty \$450.00 dollars so long as the public dance hall remains in operation. If the Public Dance Hall Permit for particular premises is issued to more than one (1) applicant, any one license tax shall be levied but each applicant shall be jointly and severally liable for the entire license tax due. The license tax prescribed in this Section shall be due on January (1<sup>st</sup>) of each year of operation. It shall be unlawful for any person, firm, association, or corporation to operate or conduct a public dance hall when the license tax prescribed in this Section has not been paid.

It shall be unlawful for any person, firm, association, or corporation to operate or conduct a public dance hall between the hours of 1:00 a.m. and 10:00 a.m.

A public dance hall, within the meaning of this Section, shall be construed to mean any place open to the general public where dancing is permitted to which an admission fee is charged or for which compensation is in any manner received either directly or indirectly by cover charge or otherwise, or where refreshments of food or any form of merchandise are served for compensation before, during or after dancing. The sale of any refreshments, food or any form of merchandise at any such place or the exhibiting of such for sale shall be deemed direct compensation for any such dance hall within the meaning of this Section.

Any person, firm, association, or corporation violating any of the provisions of this Section shall be guilty of a misdemeanor; and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars; and each day's operation shall constitute a separate offense provided that the provisions of this Section shall not apply to dances held for benevolent or

charitable purposes, or when the same are conducted under the auspices of religious, educational, civic, or military organizations.

Any person, firm, association, or corporation operating or conducting a public dance hall in Pittsylvania County prior to the effective date of this Section without a permit issued by the County Administrator of Pittsylvania County, shall nevertheless comply with all the provisions herein after the effective date of this Section.

Any person, firm, association, or corporation operating or conducting a public dance hall in Pittsylvania County prior to the effective date of this Section, who has previously been issued a permit for such purpose by the Circuit Court of Pittsylvania County, shall not be required to apply to the County Administrator for another permit as prescribed in this Section, but shall nevertheless comply with all other provisions herein after the effective date of this Section.

**Adopted: July 5, 1988**

#### **SEC. 12-12. ANTI-NOISE ORDINANCE.**

It shall be unlawful for any person to make, continue to make, or cause to be made, by any device, instrument, vehicle or machinery, or any other method, any excessive, unnecessary or unreasonably loud noise, or noises, which endangers the health, safety or welfare of the residents of Pittsylvania County.

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor punishable by a fine of not more than five hundred \$500.00 dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense.

The operation or maintenance of any device, instrument, vehicle, or machinery in violation of this ordinance which endangers the health, safety or welfare of the residents of Pittsylvania County shall be deemed, and is declared to be, a public nuisance and subject to abatement by restraining order or injunction issued by a court of competent jurisdiction.

*The above ordinance was adopted by the Board of Supervisors of Pittsylvania County on July 5, 1983 and is effective upon the date of adoption.*

#### **SEC. 12-13. BINGO AND RAFFLES.**

No person or organization shall conduct any Bingo game or raffle except in accordance with provisions of the Code of Virginia and this Section.

1. No person may manage, operate or conduct Bingo games or raffles for more than one (1) organization.
2. Any organization which conducts Bingo games or raffles shall have as membership consisting of at least fifty (50%) percent of the residents of the Commonwealth of Virginia, and shall furnish a complete list of its membership to the hereafter designated

official, in order for the local governing body to ascertain the percentage of Virginia residents.

3. Any organization whose gross receipts from all Bingo operations exceed or can be expected to exceed seventy-five thousand (\$75,000.00) dollars in any calendar year shall have been granted tax-exempt status pursuant to Section 501 (c) of the United States Internal Revenue Code. At the same time exempt status is sought from the Internal Revenue Service, the same documentation may be filed with the hereafter designated local official in order to apply for an interim certification of tax-exempt status. Upon review of such documentation, the local governing body may, upon recommendation of the hereafter designated official, issue its determination of tax-exempt status within sixty (60) days of the receipt of such documentation. This interim certification of tax-exempt status shall only be valid until such time as the Internal Revenue Service issues its determination of tax-exempt status, or for eighteen (18) months, whichever is earlier.
  - a. A fee of two hundred fifty (\$250.00) Dollars shall be paid to the Board of Supervisors upon the filing of such documentation to help defray the costs of such interim certification of tax-exempt status.
4. As a condition of receiving the permit, the permittee shall use 10 of its gross receipts from all Bingo games or raffles for (i) those lawful, religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance, or repair of any interest in the real property involving the operation of the organization and used for lawful, religious, charitable, community, or educational purposes.
5. All reports required and filed pursuant to Section 18.2-340.6, Code of Virginia, 1950, as amended shall be audited by an independent auditor or accountant designated by the hereafter designated local official; however, any report filed by an organization with gross receipts of less than two thousand (\$2,000.00) dollars for the designated reporting period shall be exempt from the audit requirement.
  - a. The actual cost of said audit shall be paid by the organization, by an audit fee which shall accompany each annual report submitted, in the amount of two (2%) percent of the gross receipts which an organization reports and the interest income on money that the organization has received from Bingo or instant Bingo operations. If the actual costs of the audit are less than said two (2%) percent, any excess payment shall be reimbursed by the local official to the organization. If the actual costs of the audit exceeds the two (2%) percent, any unpaid balance of the cost of the audit shall be paid prior to approval of said audit.
6. The Commissioner of Revenue of Pittsylvania County, Virginia is hereby designated the local official for enforcement of this ordinance and the provisions of the Code of Virginia concerning Bingo games, instant Bingo, raffles, jackpots, and any other game of chance conducted by any person or organization and regulated by the Code of Virginia.

7. Upon compliance by the applicant with the provisions of this Section and with the provisions of Article 1.1, Chapter 8, Title 18.2, Code of Virginia, 1950, as amended, and at the discretion of the designated local official, a permit as applied for may be issued. All permits shall be subject to reasonable regulation by the designated local official to ensure the public safety and welfare in the operation of Bingo games and raffles. (B.S.M. 7-5-95)

**SEC. 12-14. OBSTRUCTION OF PASSAGE AND LOITERING.**

**SEC. 12-14.1. OBSTRUCTION OF PASSAGE.**

It is unlawful for any person or persons in any public place or on any public property or any private property open to the public to unreasonably or unnecessarily obstruct the free passage of other persons to and from or within such place or property and 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, a person or persons who fail or refuse to cease such obstruction or move on when requested to do so, shall be guilty of a Class I misdemeanor. Nothing in this section shall be construed to prohibit lawful picketing. Authority, Section 15.2-925, Code of Virginia, 1950, as amended.

**SEC. 12-14.2. LOITERING.**

It is unlawful for any person or persons to loiter around public buildings or corridors or doorways or on public property or, on private property open to the public, nor shall such person or persons loiter in such manner and method as to prevent free access by employees, agents, or the public at large to such building or place or in such manner as shall, in fact, interfere with the conduct of any such business or activity conducted in such building or place. Violation of this section shall constitute a Class 2 misdemeanor. Authority, Section 15.2-926, Code of Virginia, 1950, as amended. (B.S.M. 10-19-04)

**SEC. 12-15. OBSCENITY\*.**

\*State law references: Authority of the Board of Supervisors to adopt ordinance similar to provisions of this chapter, Code of Virginia, §15.2-926.2

**Art. I. In General, §15.1-15.12**

**Art. II Offenses Relating to Juveniles, §15.3-15.19**

**Article I.**

**IN GENERAL**

**SEC. 12-15.1. VIOLATIONS OF CHAPTER GENERALLY.**

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 1 misdemeanor.



*State law references: Similar provisions with respect to violations of state law on obscenity Code of Virginia, §18.2-380.*

**SEC. 12-15.2. “OBSCENE” DEFINED.**

The word “obscene”, where it appears in this chapter, shall mean that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits or candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.

*State law references: Similar provisions, Code of Virginia, §18.2-372.*

**SEC. 12-15.3. OBSCENE ITEMS ENUMERATED.**

Obscene items shall include:

- (1) Any obscene book; or
- (2) Any obscene leaflet, pamphlet, magazine, booklet, picture, painting, bumper sticker, drawing, photograph, film, negative, slide, motion picture, videotape recording; or
- (3) Any obscene figure, object, article, instrument, novelty device or recording or transcription used or intended to be used in disseminating any obscene song, ballad, words or sounds.
- (4) Any obscene writing, picture or similar visual representation, or sound recording, stored in an electronic or other medium retrievable in a perceivable form.

*State law references: Similar provisions, Code of Virginia §18.2-373.*

**SEC. 12-15.4. PRODUCTION, PUBLICATION, SALE, POSSESSION, ETC., OF OBSCENE ITEMS.**

(a) It shall be unlawful for any person knowingly to:

- (1) Prepare any obscene item for the purposes of sale or distribution; or
- (2) Print, copy, manufacture, produce or reproduce any obscene item for purposes of sale or distribution; or

- (3) Publish, sell, rent, lend, transport in intra-county commerce or distribute exhibit any obscene item, or offer to do any of these things; or
  - (4) Have in his possession, with intent to sell, rent, lend, transport or distribute any obscene item.
- (b) Possession in public or in a public place of any obscene item shall be deemed prima facie evidence of a violation of this section.
- (c) For the purposes of this section, “distribute” shall mean delivery in person, by mail, messenger or by any other means by which obscene items may pass from one person to another.

*State law references: Similar provisions, Code of Virginia, §18.2-374.*

#### **SEC. 12-15.5. OBSCENE EXHIBITIONS AND PERFORMANCES GENERALLY.**

It shall be unlawful for any person knowingly to:

- (1) Produce, promote, prepare, present, manage, direct, carry on or participate in any obscene exhibition or performance, including the exhibition or performance of any obscene motion picture, play, drama, show entertainment, exposition, tableau or scene; provided, that no employee of any person or legal entity operating a theatre, garden, building, structure, room or place which presents such obscene exhibition or performance shall be subject to prosecution under this section, if the employee is not the manager of the theatre or an officer of such entity, and has no financial interest in such theatre other than receiving salary and wages; or
- (2) Own, lease or manage any theatre, garden, building, structure, room or place and lease, let, lend or permit such theatre, garden, building, structure, room or place to be used for the purpose of presenting such obscene exhibition or performance or to fail to post prominently therein the name and address of a person resident in the locality who is the manager of such theatre, garden, building, structure, room or place.

*State law references: Similar provisions, Code of Virginia, §18.2-375.*

#### **SEC. 12-15.6. ADVERTISING OBSCENE ITEMS, EXHIBITIONS OR PERFORMANCES GENERALLY.**

It shall be unlawful for any person knowingly to prepare, print, publish or circulate, or cause to be prepared, printed, published or circulated, any notice or advertisement of any obscene item referred to in Section 15.3 or of any obscene performance or exhibition referred to in Sections 15.4 and 15.5, stating or indicating where such obscene item, exhibition or performance may be purchased, obtained, seen or heard.

*State law references: Similar provisions, Code of Virginia, §18.2-376.*

**SEC. 12-15.7. OBSCENE PLACARDS, POSTERS, BILLS, ETC.**

It shall be unlawful for any person knowingly to expose, place, display, post up, exhibit, paint, print or mark, or cause to be exposed, placed, displayed, posted, exhibited, painted, printed or marked, in or on any building, structure, billboard, wall or fence, or on any street or in or upon any public place, any placard, poster, banner, bill, writing or picture which is obscene or which advertises or promotes any obscene item referred to in Section 15.3 or any obscene exhibition or performance referred to in Sections 15.4 and 15.5, or knowingly to permit the same to be displayed on property belonging to or controlled by him.

*State law references: Similar provisions, Code of Virginia, §18.2-377.*

**SEC. 12-15.8. COERCING ACCEPTANCE OF OBSCENE ARTICLES OR PUBLICATIONS.**

It shall be unlawful for any person, firm, association or corporation, as a condition to any sale, allocation, consignment or delivery for resale or any paper, magazine, book, periodical or publication, to require that the purchaser or consignee receive for resale any other article, book or other publication which is obscene; nor shall any person, firm, association or corporation deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept such articles, books or publications, or by reason of the return thereof.

*State law references: Similar provisions, Code of Virginia, §18.2-378.*

**SEC. 12-15.9. OBSCENE PHOTOGRAPHS, SLIDES AND MOTION PICTURES.**

Every person who knowingly:

- (1) Photographs himself or any other person, for purposes of preparing an obscene film, photograph, negative, slide or motion picture for purposes of sale or distribution; or
- (2) Models, poses, acts or otherwise assists in the preparation of any obscene film, photograph, negative, slide or motion picture for purposes of sale or distribution; shall be guilty of a Class 3 misdemeanor.

*State law references: Similar provisions, Code of Virginia, §18.2-382.*

**SEC. 12-15.10. INDECENT EXPOSURE.**

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 Class 1 misdemeanor. 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 references: Similar provisions, Code of Virginia, §18.2-387.*

**SEC. 12-15.11. OBSCENE SEXUAL DISPLAY; PENALTY.**

Any person who, while in any public place where others are present, intending that he be seen by others, intentionally and obscenely as defined in Sections 15.9 and 15.10, engages in actual or explicitly simulated acts of masturbation, is guilty of a Class 1 misdemeanor.

*State law references: Similar provisions, Code of Virginia, §18.2-387.1.*

**SEC. 12-15.12. EXCEPTIONS FROM CHAPTER.**

Nothing contained in this chapter shall be construed to apply to:

- (1) The purchase, distribution, exhibition or loan of any book, magazine or other printed or manuscript material by any library, school or institution or higher learning, supported by public appropriation;
- (2) The purchase, distribution, exhibition or loan of any work of art by any museum of fine arts, school or institution of higher learning, supported by public appropriation;
- (3) The exhibition or performance of any play, drama, tableau or motion picture by any theatre, museum of fine arts, school or institution of higher learning, supported by public appropriation.

*State law references: Similar provisions, Code of Virginia, §18.2-383.*

**Article II.**

**OFFENSES RELATING TO JUVENILES**

**SEC. 12-15.13. DEFINITIONS.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Harmful to juveniles: That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

- (1) Predominately appeals to the prurient, shameful or morbid interest of juveniles;
- (2) Is patently offensive to prevailing standards in the adult community in the County as a whole with respect to what is suitable material for juveniles; and
- (3) Is, when taken as a whole, lacking in serious literary, artistic, political or scientific value for juveniles.

**Juvenile:** Any person less than eighteen (18) years of age.

**Knowingly:** Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both the character and content of any material described herein, which is reasonably susceptible or examination by the defendant, and the age of the juvenile; provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true are of such juvenile.

**Nudity:** A state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state.

**Sadomasochistic abuse:** Actual or explicitly simulated flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**Sexual conduct:** Actual or explicitly simulated acts of masturbation, homosexuality, sexual intercourse or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be female, breast.

**Sexual excitement:** The condition of human male or female genitals when in a state of sexual stimulation or arousal.

*State law references: Similar provisions, Code of Virginia, §18.2-390.*

#### **SEC. 12-15-14. EMPLOYING OR PERMITTING MINOR TO ASSIST IN VIOLATION OF CHAPTER.**

It shall be unlawful for any person knowingly to hire, employ, use or permit any minor to do or assist in doing any act or thing constituting an offense under this chapter.

*State law references: Similar provisions, Code of Virginia, §18.2-379*

#### **SEC. 12-15.15. UNLAWFUL SALES OR LOANS TO JUVENILES GENERALLY.**

It shall be unlawful for any person to knowing sell, *rent* or loan to a juvenile, *knowing or having reason to know that such person is a juvenile*, or to knowingly display for commercial purpose in a manner whereby juveniles may examine and peruse:

- (1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts sexually explicit nudity, sexual conduct or sadomasochistic abuse and which is harmful to juveniles; or
- (2) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in paragraph (1) above, or explicit

and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to juveniles.

*However, if a person uses services of Internet service provider or an electronic mail service provider in committing acts prohibited under this subsection, such Internet service provider or electronic mail service provider shall not be held responsible for violating this subsection.*

*State law references: Similar provisions, Code of Virginia, §18.2-391.*

#### **SEC. 15.15.1. REQUIREMENT TO DEMONSTRATE AGE.**

No person shall sell, rent, or loan any item described in Section 15.15(1) or (2) to any individual who does not demonstrate his age in accordance with the provisions of subsection C of Virginia Code Section 18.2-371.2.

A person or separate retail establishment who violates this subsection shall be liable for a civil penalty not to exceed one hundred dollars for a first violation, a civil penalty not to exceed two hundred dollars for a second violation, a civil penalty not to exceed five hundred dollars for a third of subsequent violation.

*State law references: Similar provisions, Code of Virginia, § 18.2-391.*

#### **SEC. 12-15.16. ADMITTING JUVENILES TO PREMISES EXHIBITING OBSCENE FILMS OR OTHER PRESENTATIONS; SUCH FILMS NOT TO BE VISIBLE TO JUVENILES FROM PUBLIC WAY.**

It shall be unlawful for any person to knowingly sell to a juvenile and admission ticket or pass or to knowingly admit a juvenile to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts sexually explicit nudity, sexual conduct or sadomasochistic abuse and which is harmful to juveniles, or to exhibit any such motion picture at any such premises which are not designed to prevent viewing from any public way of such motion picture by juveniles not admitted to such premises.

*State law references: Similar provisions, Code of Virginia, §18.2-391.*

#### **SEC. 12-15.17. MISREPRESENTATION TO PERSONS MENTIONED IN SECTIONS 15.5, 15.7, 15.8 AND 15.9, AS TO JUVENILE'S AGE, ETC.**

- (a) It shall be unlawful for any juvenile to falsely represent to any person mentioned in Sections 15.5, 15.7, 15.8 or 15.9, or to his agent, that such juvenile is eighteen (18) years of age or older, with the intent to procure any material set forth in Sections 15.4 and 15.9 or with the intent to procure such juvenile's admission to any motion picture, show or other presentation set forth in Section 15.5.

- (b) It shall be unlawful for any person to knowingly make a false representation to any person mentioned in Sections 15.5, 15.7, 15.8 or 15.9, or to his agent, that he is the parent or intent to procure any material set forth in Sections 15.4, 15.7 and 15.8, or with the intent to procure such juvenile's admission to any motion picture, show or other presentation set forth in Sections 15.4, 15.5 and 15.7.

*State law references: Similar provisions, Code of Virginia, §18.2-391.*

**SEC. 12-15.18. DISPLAY OF OBSCENE MATERIALS AT BUSINESS ESTABLISHMENTS OPEN TO JUVENILES.**

It shall be unlawful for any person to exhibit, expose or display in public, at a newsstand or any other business or commercial establishment frequented by juveniles or where juveniles are or may be invited as part of the general public:

- (1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to juveniles, or
- (2) Any book, pamphlet, magazine or printed matter, however reproduced, or sound recording which contains any matter enumerated in paragraph (1) above, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to juveniles.

**SEC. 12-15.19. EXCEPTIONS FROM ARTICLE.**

Nothing contained in this article shall be construed to apply to:

- (1) The purchase, distribution, exhibition or loan of any work of art, book, magazine or other printed or manuscript material by any accredited museum, library, school or institution of higher learning.
- (2) The exhibition or performance of any play, drama, tableau or motion picture by any theatre, museum, school or institutions of higher learning, either supported by public appropriation or which is an accredited institution supported by private funds.

*State law references: Similar provisions, Code of Virginia, §18.2-391.1.*

**SEC. 12-16. REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO TERRORISM HOAX INCIDENT, BOMB THREAT, OR MALICIOUS ACTIVATION OF FIRE ALARM.**

Any person who is convicted of a violation of subsection B or C of § 18.2-46.6, Code of Virginia, 1950, as amended, a felony violation of §§ 18.2-83 or 18.2-84, Code of Virginia, 1950, as amended, or a violation of § 18.2-212, Code of Virginia, 1950, as amended, when his violation of such Section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a separate civil action to the County or to any volunteer emergency medical services agency, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$2,500 in the aggregate for a particular incident occurring in the County. In determining the "reasonable expense," the County may bill a flat fee of \$250 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 provisions of this Section shall not preempt or limit any remedy available to the Commonwealth, to the County, or to any volunteer emergency medical services agency to recover the reasonable expenses of an emergency response to an incident not involving a terroristic hoax or an act undertaken in violation of §§ 18.2-83, 18.2-84, or 18.2-212, Code of Virginia, 1950, as amended, as set forth herein.

**SEC. 12-17. METHAMPHETAMINE LAB CLEANUP COSTS.**

Any person who is convicted of an offense for manufacture of methamphetamine pursuant to §§ 18.2-248 or 18.2-248.03, Code of Virginia, 1950, as amended, shall be liable at the time of sentencing or in a separate civil action to the County or to any other law-enforcement entity for the expense in cleaning up any methamphetamine lab related to the conviction. The amount charged shall not exceed the actual expenses associated with cleanup, removal, or repair of the affected property or the replacement cost of personal protective equipment used.

**SEC. 12-18. PREVENTING INTERFERENCE WITH PUPILS AT SCHOOLS OR OPERATION OF SCHOOL BUS.**

Any person who improperly interferes with or annoys pupils attending any school in the County, or interferes with the operation of any school bus situated in the County shall be guilty of a Class 1 Misdemeanor.

**SEC. 12-19. DESIGNATION OF SHERIFF TO ENFORCE TRESPASS VIOLATIONS.**

The owner, lessee, custodian, or person lawfully in charge as those terms are used in § 18.2-119, Code of Virginia, 1950, as amended, of real property may designate the Sheriff, or other local law-enforcement agency, as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings or premises as specified in the designation. Said designation shall be in writing and on file with the Sheriff or other local law-enforcement agency.



**SEC. 12-20. DISPOSAL OF UNCLAIMED PROPERTY IN POSSESSION OF SHERIFF.**

This Section details the public sale or the retention for use by the law-enforcement agency, of any unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than sixty (60) days, after payment of a reasonable storage fee to the Sheriff or other agency storing such property. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the Sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq., Code of Virginia, 1950, as amended). Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720, Code of Virginia, 1950, as amended. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721, Code of Virginia, 1950, as amended.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the Sheriff, or his duly authorized agent(s), shall make reasonable attempts to notify the rightful owner of the property, obtain from the Commonwealth's Attorney, in writing, a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the County once a week for two (2) successive weeks, Notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the law-enforcement agency, shall be described generally in the Notice, together with the date, time, and place of the sale and shall be made available for public viewing at the sale. The Sheriff, or his duly authorized agent(s), shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and Notice of Sale. The balance of the funds shall be held by the Sheriff for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the County served by the agency and shall be retained only if, in the opinion of the Sheriff, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the County's General Fund and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the County within three (3) years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action, or proceeding be instituted for the recovery of such funds or property after three (3) years from the date of the sale. **(B.S.M 07/16/2019)**

**Effective Dates**

**Adopted by the Board of Supervisors 9-21-10.**

**Amended by the Board of Supervisors 11-16-10.**

**Amended by the Board of Supervisors 12-5-11.**

**Amended by the Board of Supervisors 4-17-12.**