

PITTSYLVANIA COUNTY CODE

CHAPTER 12

OFFENSES

- § 12-1. Beer and Wine, Restricting the Sale of
- § 12-2. Carrying Concealed Weapons
- § 12-3. Collision with or Damage to Channel Markers on Smith Mt. Lake
- § 12-4. Drinking in a Public School
- § 12-5. Fireworks
- § 12-6. Hunting on Highways
- § 12-7. Marathon or Walking Contest
- § 12-8. Misdemeanor
- § 12-9. Persons Selling Subscriptions to Magazines
- § 12-10. Profane Swearing and Drunkenness
- § 12-11. Public Dance Halls
- § 12-12. Anti-Noise Ordinance
- § 12-13. Bingo and Raffles
- § 12-14. Obstruction of Passage and Loitering

CHAPTER 12

OFFENSES

SEC. 12-1. BEER AND WINE, RESTRICTING THE SALE OF.

The sale of beer and wine is hereby prohibited within the confines of Pittsylvania County, Virginia, exclusive of any incorporated town, and the Callands-Gretna District, between the hours of twelve (12) o'clock (midnight) Saturday and twelve (12) o'clock (midnight) Sunday.

Any person who violates or permits the violation of this Ordinance, upon conviction thereof shall be punished by a fine of not more than three hundred (\$300.00) dollars or imprisonment in jail for a period of not to exceed thirty (30) days, or by both such fine and imprisonment.

(B.S.M. 4-6-42, 1-17-58)(B.S.M. 1-19-10)

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, 11-13-45, 12-2-46, 12-11-50, 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. PERSONS SELLING SUBSCRIPTIONS TO MAGAZINES.

It shall be unlawful for any person to sell subscriptions to magazines in Pittsylvania County, unless he or she has first registered with the Sheriff of Pittsylvania County. The Sheriff shall record the name, permanent and temporary address, and by whom the person is employed. Finger and thumbprints of the applicant shall be taken by the Sheriff or his deputy at the time of registration. The applicant shall be furnished a copy of the registration by the Sheriff. The registration shall be effective for a period of thirty (30) days only. All salesmen are required to re-register after thirty (30) days from the time of registration to sell any more magazines.

Children enrolled in the public schools in the State of Virginia selling subscriptions to magazines under a program approved by the school attended are exempt from the requirements of this ordinance.

Any person violating the provisions of this ordinance shall, upon conviction, be fined not more than one hundred (\$100.00) dollars for each offense or may be confined in jail for a period of time not exceeding thirty (30) days, either or both. **(B.S.M. 7-5-61)**

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 (3rd) 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 (1st) 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.SM.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)**

