

TITLE 7

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CHAPTER 1 – ENUMERATED

SECTION 7-101 ASSAULT; BATTERY

- (a) **ASSAULT.** It shall be unlawful for any person to attempt to commit a violent injury to the person of another or to commit an act, which places another in reasonable apprehension of immediately receiving a violent injury.

- (b) **BATTERY.** It shall be unlawful for any person to make physical contact of an insulting or provoking nature with the person of another or intentionally cause physical harm to another person.

SECTION 7-102 DISTURBING THE PEACE

It shall be unlawful for any person to disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him under his control. No person shall threaten, traduce, quarrel, challenge to fight or fight, or use obscene, offensive, profane, or unseemly language to annoy, disturb, or vex another.

SECTION 7-103 INDECENT EXPOSURE; PUBLIC INDECENCY

- (a) **INDECENT EXPOSURE.** It shall be unlawful for any person intentionally to expose his sex organs or anus under circumstances in which he knows his conduct is likely to cause affront or alarm.
- (b) **PUBLIC INDECENCY.** It shall be unlawful for any person to engage in any overt act of sexual gratification or expose the private or intimate parts of his body or the body of another person to public view.

SECTION 7-104 WILLFUL DISRUPTION OF GOVERNMENTAL PROCESSES

It shall be unlawful for any person to willfully interrupt or molest the orderly and peaceful process of any department, division, agency or branch of the Municipal government.

SECTION 7-105 IMPERSONATING A GOVERNMENT OFFICER OR EMPLOYEE

It shall be unlawful for any person not a member of the official police force of the Town to wear, use, copy or imitate in any respect or manner the uniform, or the badge or other insignia prescribed for members of the official police force, and it shall be unlawful for any person to falsely represent himself to be an officer or any other government employee.

SECTION 7-106 WEAPONS AND FIREARMS

- (a) **CARRYING DANGEROUS OR DEADLY WEAPONS WITHOUT LICENSE OR OTHER AUTHORIZATION.** It shall be unlawful for any person, without a State license therefore or except as provided in the West Virginia Code of 1931, as amended, to carry about his person any revolver or

pistol, dirk, bowie knife, sling shot, razor, billy, metallic or other false knuckles, or other dangerous or deadly weapon of like kind or character.

- (b) **BRANDISHING OR EXPOSING WEAPONS.** It shall be unlawful for any person armed with a pistol, gun or other dangerous and deadly weapon, whether licensed, to carry the same or not, to carry, expose, brandish, or use such weapon in a way or manner to cause, or threaten, a breach of the peace.

SECTION 7-107 WEAPONS, FIREARMS, ETC., DISCHARGE OF

It shall be unlawful for any person to discharge, within this Town, any firearm, air rifle, B.B. gun, sling shot, or other weapon or instrument which discharges a projectile capable of inflicting bodily injury, except in the lawful defense of person or property and except in the performance of a lawful duty.

SECTION 7-108 NOISE POLLUTION

- (a) It shall be unlawful for any person within the Town or use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the production of reproduction of sound in a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area. The operation of any such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line from which the sound emanates or 35 feet from a vehicle on public rights-of-way is a violation of this section.
- (b) The above section shall not apply to any person who is participating in a school band or in a parade for which the Town has given permission.
- (c) It shall be unlawful for any person, other than personnel of law enforcement, fire department, or governmental agencies to install, use, or operate within the Town a loudspeaker or sound-amplifying equipment for the purposes of giving instruction, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place, or public property, without first filing a registration statement and obtaining approval thereof as set forth in a form to be determined by the Mayor.
- (d) It shall be unlawful for any person to discharge in the open air the exhaust of any power device or motor vehicle which is not equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive unusual, or unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device.

SECTION 7-109 FALSE ALARM OF FIRE

It shall be unlawful for any person to turn in or telephone or by use of any means or methods of communication aid or abet all making or turning in of, any alarm of fire which he knows to be false at the time of making or turning in the alarm.

SECTION 7-110 RIOTS AND UNLAWFUL ASSEMBLAGES

- (a) It shall be unlawful for any person to engage in a riot, rout, or unlawful assembly.
- (b) It shall be the duty of the official police force of the Town to go among, or as near as may be possible with safety, to persons riotously, tumultuously, or unlawfully assembled, and in the name of the law command them to disperse; and if they shall not thereupon immediately and peaceably disperse, such member of the official police force of the Town shall command the assistance of all persons present, and all or any part of other law enforcement personnel available to him, as need be, in arresting and securing those so assembled.

SECTION 7-111 MALICIOUS MISCHIEF

- (a) It shall be unlawful for any person to take and carry away, or destroy, injure or deface any property, real or personal, not his own.
- (b) It shall be unlawful for any person willfully or maliciously to destroy or injure any of the wires, poles, insulators, or other property belonging to any telephone, telegraph or railroad company, or any public utility company.

SECTION 7-112 DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC

It shall be unlawful for any person to drink alcoholic beverages in an open public place on the streets or the sidewalks of the Town except in any business establishment licensed for consumption of said beverages on the premises.

SECTION 7-113 HOUSE OF ILL FAME; PROSTITUTION

- (a) **HOUSE OF ILL FAME.** It shall be unlawful for any person knowingly to keep, set up, maintain, operate, own, let, sublet, or rent a house, place, building, hotel, tourist camp or other structure for the purpose of prostitution.
- (b) **PROSTITUTION.** It shall be unlawful for any person to engage in, solicit, induce, entice, or procure another to commit or participate in an act of prostitution.

SECTION 7-114 WEEDS

No owner or tenant of property shall permit grass or other vegetation, commonly recognized as weeds, on such property, and exceed a height of one (1) foot.

When any owner shall fail or refuse to cut or keep cut the grass, weeds, briars, and other growth on property in his possession or control, as set forth in Section 9-21, the Town may, in its discretion, cut or cause to be cut the grass, weeds, briars and other growth and shall charge the responsible owner, custodian, or tenant of such property for the cost of such work performed.

In the event that the Town employees are used to cut such grass, weeds, briars, or other growth, the fee for such service shall be a minimum of Fifty Dollars (\$50.00) plus an hourly charge of Fifty Dollars (\$50.00) for each hour after the first hour.

Such charges may be recovered through legal proceedings against the responsible owner, tenant, or custodian.

SECTION 7-115 NUISANCES ON PRIVATE PROPERTY

- (a) For the purposes of this section, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors which are detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, depositing on, or the scattering over the premises of any of the following:
- i. Lumber, junk, trash, or debris:
 - ii. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans of containers.
- (b) No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.
- (c) Exterior storage of non-operating vehicles is prohibited. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property within the Town for a longer time than ten (10) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public places or from any

surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping and maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town or any other public agency or entity.

- (d) The municipal police department may employ its own personnel, equipment and facilities for the purpose of removing, preserving, or storing abandoned vehicles.

SECTION 7-116 DISTURBANCE OF RELIGIOUS WORSHIP

No person shall willfully interrupt, molest or disturb any assembly of people met for the worship of God.

SECTION 7-117 DISTURBANCE OF SCHOOLS, SOCIETIES AND OTHER ASSEMBLIES

No person shall willfully interrupt, molest or disturb any free school, Sunday school or other school, a school exhibition or any literary society, or any other society or meeting formed or convened for intellectual, social or moral improvement, or for improvement in music, either vocal or instrumental, or for any moral or social amusement, or any other society organized or carried on under or in pursuance of the laws of this State, or any church festival, or any other festival, or any society, lawfully carried on.

SECTION 7-118 LOITERING ON SCHOOL PROPERTY

No person, not a student in regular attendance, shall loiter in or about any school, school building or school grounds in violation of any posted rules or regulations governing the use of any such school without written permission from the principal.

SECTION 7-119 LOITERING; PUBLIC PLACES

(a) DEFINITIONS.

- (1) “Loitering” means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and also includes the colloquial expression “hanging around.”
- (2) “Public Place” means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the

uses of the public. It also includes the front or immediate area of any place of business and also public grounds, areas or parks.

(b) LOITERING.

(1) No person shall loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner so as to:

- A. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- B. Commit in or upon any public street, public highway, public sidewalk or any other public place of building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or an other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

(2) When any person cause or commits any of the conditions enumerated in subsection (b)(1) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders is guilty of a violation of this section.

SECITON 7-120 PETIT LARCENY

- (a) No person shall commit simple larceny of goods, chattels or other things, of a value less than Two Hundred Dollars (\$200.00). Such larceny shall constitute petit larceny.
- (b) A person found guilty of petit larceny shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or imprisoned not more than thirty (30) days, or both said fines and imprisonment.

SECTION 7-121 TRAINS BLOCKING RAILROAD CROSSINGS

It shall be unlawful for any railroad company operating trains through the corporate limits of the Town of Pratt to block any railroad crossing of said Town for a period of more than 15 minutes.

SECTION 7-122 COUNCIL TO ACT ON BEHALF OF PUBLIC SAFETY

If in the opinion of the Mayor and the majority of Council the public safety is endangered by trains passing through the corporate limits of the Town of Pratt, the Mayor and Council reserve the right to be empowered with the authority to take action on behalf of the public safety.

SECTION 7-123 PENALTIES

Unless otherwise specified, a violation of the foregoing prohibitions set forth in this title shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00) or imprisonment not to exceed thirty (30) days, or both said fine and imprisonment.

SECITON 7-124 SEWERS

- (a) **INDUSTRIAL AND COMMERCIAL USE OF SEWERS.** Where the character of sewage from any manufacturing or industrial or commercial plant, buildings or premises is such that it imposes a burden upon the sewer system in addition to the burden imposed by the average sewage entering the sewer system, such additional charge shall be made therefore as the sanitary board shall deem to be fair and equitable to meet the additional costs of collection, treatment and disposal of such sewage; and the board may, if it deems advisable so to do, compel the owner, tenant or occupant of such manufacturing or industrial plant, or commercial building or premises to treat such sewage in such manner as shall be specified by the board before discharging such sewage into the sewer system.
- (b) **MATTER NOT TO BE THROWN INTO SEWER.** No person shall throw or deposit in or upon any public sewer or any trap, basin, inlet, grating, manhole or other appurtenance of any public sewer in the Town, any sticks, stones, brick, earth, gravel, dirt, mud, hay, straw, manure, rubbish, litter, sweeping, offal, vegetables, garbage other than properly shredded garbage from an approved disposal device, trees, shrubs, branches, twigs, leaves, papers, rags, oils, grease, gasoline, benzene, cinders or refuse matter of any kind.
- (c) **PENALTIES.** Any violation of the terms of this ordinance shall be considered a misdemeanor. Violators shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), imprisonment up to ten (10) days, or both fine and imprisonment. Each day during which violations occur shall be considered a separate offense.
- (d) **INSPECTION.** Any duly authorized agent or employee of the Town of Pratt of the Pratt Sanitary Board shall have the authority to inspect any building, plant or premises being serviced by the sewer system of Pratt to determine compliance with this ordinance. Upon refusal by an owner or resident, said

agent or employee may apply for a search warrant from the Municipal Court of Pratt: shall be issued forthwith upon showing of a probable cause that this ordinance has been violated.

SECTION 7-125 JUVENILE CURFEW ESTABLISHED: PENALTIES AND REGULATIONS

It is unlawful for any minor to be out in public at any place within the corporate limits not in the company or a responsible adult after the hour of 11:00 p.m. and before the hour of 6:00 a.m., except that these hours shall be revised to after 10:00 p.m. and before 6:00 a.m. on Sunday, Monday, Tuesday, Wednesday and Thursday nights from September 1 until Mar 31. For purposes of this ordinance, the term “minor” shall mean any person who is under the age of eighteen (18) years.

Certain activity shall not be encompasses by this curfew and these shall be only as follows: The curfew shall not apply to any minor attending any legitimate school function and shall not apply to his or her travels to and from such function. The curfew shall not apply to any minor who is going to, coming from or engaged in any legitimate employment. The curfew shall likewise not apply to any minor who is going to, coming from or engaged in any recognized religious activity. And it shall lastly not be a violation of curfew when a minor is traveling to his home during curfew hours.

At the curfew hour evening, the Police Department shall sound the fire alarm one time, in order that the citizenry might be made aware that the curfew hour has arrived.

Whenever a police officer has a reasonable belief that someone who is out in public during curfew hours is a minor, then that officer shall conduct an examination to determine whether such person is indeed in violation of this ordinance. If the officer finds that the suspect is in violation of this ordinance, the officer shall take such minor into custody forthwith and deliver the minor to his home.

Parents, or if none there be, then the legal guardians, of any such minor who is apprehended for being in violation of curfew shall be notified of their child’s violation at the time when the minor is returned home, if possible. Such notification shall include a statement that the minor was in violation of the curfew as well as an explanation of the following “Parental Responsibility” section of this ordinance. If for any reason the apprehending officers cannot give notice at the time the minor is returned home, a letter, posted notice or telephone call to the parents or legal guardians within the next five (5) days shall be considered adequate notice.

PARENTAL RESPONSIBILITY:

For the purposes of this section, the word “Parents” mean they are the lawful parents of the minor child or be there no parents, the legal guardians of such child, and bear the ultimate responsibility for the proper upbringing of that child. In an effort to enlist the help of parents whose minor children are chronic curfew violators, parents who

have received notice of an instance of curfew violation by their minor children, as set forth in the proceeding section (the last paragraph under "Procedure") shall be legally responsible for violations, which occur after notice has been given.

When a minor is apprehended for curfew violations after that minor's parents have been notified of the first violation, the parents shall be charged with curfew violation responsibility. Upon conviction of curfew violation responsibility, punishment shall be a fine of not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00) or a jail term of not more than five (5) days, or by both such fine and imprisonment for each violation after notification.

This ordinance hereby replaces any existing ordinances on the subject of juvenile curfews.