

CHAPTER 14.

OFFENSES--MISCELLANEOUS

As to municipal court generally, see §§ 2-9 to 2-16 of this Code. As to nuisances generally, see ch. 13.

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Sec. 14-1. Assault and battery.

(a) If any person unlawfully attempts to commit a violent injury to the person of another or unlawfully commits an act which places another in reasonable apprehension of immediately receiving a violent injury, he shall be guilty of assault.

(b) If any person unlawfully and intentionally makes physical contact of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person, he shall be guilty of battery.

For state law as to assault generally, see W. Va. Code, § 61-2-9.

Sec. 14-2. Curfew.

(a) It shall be unlawful for any parent or legal guardian of any child under eighteen years of age to permit, suffer or allow any such child in his care or custody to be upon any public street, alley or in any public business establishment, between the hours of 10:00 o'clock P.M. and 6:00 o'clock A.M., except when such child is actually in the presence of and attended by such parent or legal guardian.

(b) It shall be unlawful for any person to make any false statement to any officer or official of the city in connection with any investigation or enforcement of the preceding subsection.

(c) It shall be the duty of the city police to sound a curfew bell, siren or a similar warning device that may be hereafter established, at 10:00 o'clock P.M., each night, but a failure to do so shall not be any defense to a prosecution under this section.

(d) It shall be the duty of the city police to enforce the provisions of this section and to investigate any suspected violation and make complaint for warrant before the judge of the municipal court against any person violating any provision hereof.

(e) It shall be the duty of the judge of the municipal court to make report to the juvenile court of the county as to any child involved in connection with any violation of this section.

(f) Any person violating any provision of this section shall, upon conviction, be fined not less than five nor more than thirty dollars, and may, in the discretion of the mayor, be imprisoned for not more than thirty days. (5-20-43, §§ 1 to 6; 10-2-69.)

Sec. 14-3. Disorderly conduct.

(a) Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

(1) Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in danger of safety of his life, limb or health.

(2) Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.

(3) Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.

(4) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.

(5) Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.

(6) Any person who shall collect in bodies or in crowds and engage in unlawful activities.

(7) Any person who shall assemble or congregate with another or others and engage or attempt to engage in gaming.

(8) Any person who shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.

(9) Any person who assembles with another or others and engages in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempts to do so.

(10) Any person who utters, in a public place or any place open to the public, any obscene words or epithets.

(11) Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.

(12) Any person who shall use "fighting words" directed towards any person who becomes outraged and thus creates turmoil.

(13) Any person who shall assemble or congregate with another or others and do bodily harm to another.

(14) Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.

(15) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered to do so by a peace officer or other person having authority.

(16) Any person who damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(b) Any person convicted of disorderly conduct, as defined in this section, shall be punished as provided in section 1-7.

For state law as to authority of city to prevent and suppress disorderly, etc., conduct, see W. Va. Code, § 8-12-5(19).

Sec. 14-4. Disturbing religious worship.

It shall be unlawful for any person to wilfully interrupt, molest or disturb any assembly of people met for the worship of God.

For similar state law, see W. Va. Code, § 61-6-13.

Sec. 14-5. False alarm of fire.

No person shall make, turn in or telephone, or by use of any means or methods of communication aid or abet in the 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.

*For similar state law, see W. Va. Code, § 29-3-21.
As to fire prevention generally, see ch. 7 of this
Code.*

Sec. 14-6. Firearms--Discharging; shooting at persons or domestic animals.

It shall be unlawful for any person to discharge any firearm or shoot at another person or domestic animal in or on any street, alley, private property or place of public resort in the city.

For state law as to negligent shooting, wounding or killing of human being or livestock while hunting, see W. Va. Code, § 61-7-11. As to shooting across or in road or near building or crowd, see W. Va. Code, § 61-7-12.

Sec. 14-7. Handbills, signs, etc.--Posting without lawful authority.

It shall be unlawful for any person to post any advertisements or handbills of any character upon any fence, wall or building without lawful authority to do so.

For state law as to authority of city to regulate the location and placement of signs, etc., see W. Va. Code, § 8-12-5(31).

Sec. 14-8. Officers--Hindering, obstructing, etc.

Any person who, by threats, menaces, acts or otherwise, shall forcibly or illegally hinder, obstruct or oppose, or attempt to hinder, obstruct or

oppose, or counsel or advise others to hinder, obstruct or oppose, any officer of the city in the lawful exercise or discharge of his official duties therein shall be deemed guilty of a misdemeanor.

For state law as to opposing, obstructing, etc., officers generally, see W. Va. Code, § 61-5-17.

Sec. 14-9. Profanity.

It shall be unlawful for any person to utter or speak any loud or filthy words or profanely curse or swear or make use of any profane language in any street or public place within the city.

For state law as to profane swearing, see W. Va. Code, § 61-8-15.

Sec. 14-10. Property--Injuring, damaging, destroying, etc.

It shall be unlawful for any person to destroy, damage, mutilate or remove the property of another. The following acts, among others, are declared to be in violation of this section, but this enumeration shall not be deemed to be exclusive:

(a) Personal property. No person within the city shall wilfully, unlawfully and maliciously cut, shoot, maim, wound or otherwise injure any personal property of another person.

(b) Fixtures and real property. No person within the city shall wilfully, unlawfully and maliciously cut, mutilate, deface or otherwise injure any tree, house, outside fence or fixture of another, or commit any other trespass upon real property in the possession of another.

(c) Municipal property. No person, unless authorized by city officials, shall remove, interfere with or destroy any city property.

(d) Grassplots, flowers, etc. No person shall drive any animal or vehicle along, on or across any grassplot in any street, public place or sidewalk, or trample, pluck, mutilate or injure the grass, shrubs or flowers planted or growing in such place.

(e) Trees and shrubs. No person shall cut, scar, mutilate, dig up or otherwise injure or destroy any trees or shrubs on the public streets or in the parks of the city.

For state law as to crimes against property generally, see W. Va. Code, § 61-3-1 et seq.

Sec. 14-11. Public intoxication.

It shall be unlawful for any person to be upon any street, road or alley or in any other public place in the city in a state of intoxication.

*For state law as to intoxication or drinking in public places, see W. Va. Code, § 60-6-9.
As to alcoholic beverages generally, see ch. 3 of this Code.*

Sec. 14-12. Shoplifting.

If any person shall commit an act of shoplifting as defined herein for the first or second offense, he shall be guilty of a misdemeanor if the value of merchandise is less than fifty dollars.

"Shoplifting" shall consist of any one or more of the following acts:

(a) For any person wilfully to take possession of any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying to the owner the value thereof.

(b) For any person wilfully to conceal upon his person or otherwise any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying to the owner the value thereof.

(c) For any person wilfully to alter any label, price tag or marking upon any merchandise offered for sale by any store with the intention of depriving the owner of all or some part of the value thereof.

(d) For any person wilfully to transfer any merchandise offered for sale by any store from the container in or on which the same shall be displayed to any other container with intent to deprive the owner of all or some part of the value thereof.

For state law as to shoplifting generally, see W. Va. Code, §§ 61-3A-1 to 61-3A-4.

Sec. 14-13. Trespassing.

No person in the city shall, without authority of law, go upon or remain upon the lands, building or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by

the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by signs posted on such lands, building, premises or part, portion or area thereof, at places where they may be reasonably seen.

For state law as to trespass generally, see W. Va. Code, §§ 61-3B-1 to 61-3B-3.

Sec. 14-14. Weapons--Carrying, brandishing, etc., so as to cause or threaten breach of peace.

It shall be unlawful for any person armed with a pistol, gun or other dangerous or deadly weapon, whether he has a state license or not, to carry, expose, brandish or use such weapon in a way or manner to cause or threaten a breach of the peace.

For similar state law, see W. Va. Code, § 61-7-10.

Sec. 14-15. Same--Carrying without state license.

If any person shall, without a state license therefor, carry about his person any revolver or pistol, dirk, bowie knife, slung shot, razor, billy, metallic or other false knuckles, or other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor for the first offense.

