CAMPBELL COUNTY CODE OF 1988

CHAPTER 16

OFFENSES--MISCELLANEOUS

For state law as to crimes and offenses, see Title 18.2 of the Code of Virginia. (Repl. Vol. 2014 and Cum. Supp. 2018).

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Article I. In General.

Sec. 16-1. Attempts to commit misdemeanors; how punished.

Every person who attempts to commit an offense which is a misdemeanor shall be punishable by the same punishment prescribed for the offense the commission of which was the object of the attempt.

For state law authority, see VA. CODE ANN. §18.2-27 (Repl. Vol. 2014) and §15.2-1200 (Repl. Vol. 2018).

Editor's note: The November 15, 1982 amendment deleted former §16-1 due to the passage of a referendum rescinding any restriction on sale of beer or wine on Sundays.

Editor's note re penalties for violations: For provisions regarding general penalties for violations of County ordinances, etc., and definition of classes of misdemeanors and penalties, see §1-6 of this Code.

[THE JULY 5, 2005 ACT adopted this section.]

Article II. Crimes Against the Person.

Sec. 16-2. Assault and battery.

Any person who commits a simple assault or assault and battery within Campbell County shall be guilty of a Class 1 misdemeanor.

For state law authority, see VA. CODE ANN. §18.2-57 (Cum. Supp. 2018) and §15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 AMENDMENT redesignated former §16-2 (going out of business sales) as present §16-6 and adopted this section.]

Article III. Crimes Against Property.

Sec. 16-3. Petit larceny defined; how punished.

Any person who in Campbell County (1) commits larceny from the person of another of money or other thing of value of less than five dollars ($5.00) or (2) commits simple larceny not from the person of another of goods and chattels of the value of less than five hundred dollars ($500.00) shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

For state law authority, see VA. CODE ANN. §18.2-96 (Cum. Supp. 2018) and §15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 AMENDMENT amended and redesignated former §16-3 (well covers) as present §16-9 and adopted this section.]

[THE DECEMBER 4, 2018 AMENDMENT substituted $500 for $200.]

Sec. 16-4. Trespass after having been forbidden to do so; penalties.

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another in Campbell County, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or the agent of any such person, or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by or at the direction of such persons or the agent of any such person or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to VA. CODE ANN. §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an ex parte order issued pursuant to VA. CODE ANN. § 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of VA. CODE ANN. §§ 18.2-132 through 18.2-136.

For state law authority, see VA. CODE ANN. §18.2-119 (Repl. Vol. 2014), and §§15.2-1200 and 15.2-1218 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 ACT adopted this section.]

[THE DECEMBER 6, 2011 AMENDMENT twice inserted "or the agent of any such person" and inserted "or at the direction of" in the first sentence.]

Sec. 16-4.1. Designation of Sheriff's Department as "person lawfully in charge of the property" to enforce trespass violations.

(a) The owner, lessee, custodian, or person lawfully in charge, as those terms are used in VA. CODE ANN. §18.2-119, of real property in Campbell County may designate the Campbell County Sheriff's Department as a "person lawfully in charge of the property" for the purpose of

forbidding another to go on or remain upon the lands, buildings or premises as specified in the designation.

(b) Any such designation shall be in writing on a form prescribed by the Campbell County Sheriff's Department and shall be on file in that office. If a person other than the legal owner of the property makes such designation, then that person shall disclose his status as lessee, custodian, or person lawfully in charge of the specified property entitling him to act under this section. Information required on the form shall include, but not be limited to, the full legal name of the person making the designation and of the owner of the property, street and mailing addresses of the person making the designation and of the owner, residence and business telephone numbers of the person making the designation and of the owner, location and street address of the subject property, a brief description of the property, building or premises, which may include amount of acreage, description of improvements thereon, tax map identification number, etc., names of any other persons such as lessees, tenants, etc. with lawful right to enter upon such property, and such other information as may be required by the Sheriff's Department.

For state law authority, see VA. CODE ANN. §15.2-1717.1 (Repl. Vol. 2018), VA. CODE ANN. §15.2-1218 (Repl. Vol. 2018) and VA. CODE ANN. §18.2-119 (Repl. Vol. 2014)

[THE JUNE 17, 2002 ACT adopted this section, effective July 1, 2002.]

[THE JULY 5, 2005 AMENDMENT redesignated this section from former §16-28 to present §16-4.1, without substantive changes.]

Sec. 16-4.2 Damaging property generally.

(a) If any person unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, he shall be guilty of a Class 3 misdemeanor; provided that the court may, in its discretion, dismiss the charge if the locality or organization responsible for maintaining the injured property files a written affidavit with the court stating it has received full payment for the injury.

(b) If any person intentionally causes such injury, he shall be guilty of a Class 1 misdemeanor if the value of or damage to the property is less than $1,000. If the value of or damage to the property is $1,000 or more, then the violation shall be prosecuted under VA. CODE ANN. §18.2-137 (Repl. Vol. 2014) as a Class 6 felony. The amount of loss caused by the destruction, defacing, damage or removal of such property may be established by proof of the fair market cost of repair or fair market replacement value. Upon conviction, the court may order that the defendant pay restitution.

For state law authority, see VA. CODE ANN. §18.2-137 (Repl. Vol. 2014), and §15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 ACT adopted this section.]

Article IV. Crimes Involving Fraud.

Editor's note: The 1993 amendment deleted former §§16-4 to 16-8.2 regulating public dance halls and reenacted those provisions as present §§3-19 through 3-25.

Sec. 16-5. Calling or summoning emergency services vehicle or fire-fighting apparatus without just cause; maliciously activating fire alarms in public buildings; venue.

(a) Any person who without just cause therefor, calls or summons, by telephone or otherwise, any emergency medical services vehicle or firefighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building, regardless of whether an emergency medical services vehicle or fire apparatus responds or not, is guilty of a Class 1 misdemeanor.

(b) A violation of this ordinance may be prosecuted either in the jurisdiction from which the call or summons was made or in the jurisdiction where the call or summons was received.

For state law authority, see VA. CODE ANN. §18.2-212 (Cum. Supp. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

Cross reference**:** For ordinance prohibiting falsely summoning or giving false reports to law-enforcement officials, see § 16-11.6 of this Code.

[THE JULY 5, 2005 ACT adopted this section.]

[THE DECEMBER 1, 2015 AMENDMENT substituted "emergency medical services vehicle" for "ambulance" in title and (a), inserted "emergency medical services vehicle or" before "fire apparatus" in (a), and substituted "is guilty" for "shall be deemed guilty" in (a).]

[THE DECEMBER 5, 2017 AMENDMENT deleted "used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas" after "any building" in (a).]

Sec. 16-6. Going out of business sales--Permits required; conditions and duration of permit; fee; penalty.

(a) It shall be unlawful for any person to advertise or conduct a sale for the purpose of discontinuing a retail business, or to modify the word "sale" in any advertisement with the words "going out of business" or any other words which tend to insinuate that the retail business is to be discontinued and the merchandise liquidated, unless such person obtains a permit to conduct such sale from the Board of Supervisors as prescribed by this section.

(b) Applications for special sale permits required by (a) above shall be filed with the Clerk of the Board of Supervisors at least fourteen (14) days prior to the date of such sale.

(c) Applications for special sale permits shall contain the following information:

(1) The name of the person conducting such sale;

(2) The legal address of the place where such sale is to be conducted;

(3) An inventory including the kind and quantity of all goods which are to be offered for sale during the sale and only the goods specified in the inventory list may be advertised or sold during the sale period.

(4) Written notification from the County Attorney that he has inspected the advertisement and inventory of such sale and has found such advertisement and inventory to be in conformity with the provisions of this section.

(d) A fee of fifteen dollars shall accompany each such application. Such fee shall be deposited in the general fund of the County.

(e) The Board of Supervisors shall issue such special sale permit at its next regular meeting following the date of filing of an application for such special sale permit; provided that the application for such permit is in conformity with the provisions of this section.

(f) Each sale permit shall be valid for a period of thirty days and any extension of that time shall constitute a new special sale and shall require an additional permit and inventory. A maximum of one permit beyond the initial thirty day permit may be granted solely for the purpose of liquidating only those goods contained in the initial inventory list which remain unsold.

(g) The Board of Supervisors shall cause inspections to be made of such special sale to insure that such sale shall be conducted in conformity with the provisions of this section.

(h) (1) It shall be unlawful for any person to advertise or to sell any goods during a special sale, as defined in (a) above, other than those goods listed in the inventory required by (c) above. Goods not included in the inventory of special sale goods shall not be commingled with or added to the special sale goods.

(2) The County shall have the right to revoke a special sale permit upon proof that goods not appearing on the original inventory of special sale goods have been commingled with or added to the special sale goods.

(i) Any person who advertises such sale shall conspicuously include in the advertisement the permit number assigned for the sale and the effective dates of the sale as authorized in the permit.

(j) Any person guilty of a violation of the provisions of this section shall be guilty of a misdemeanor punishable by confinement in jail for not more than twelve months and a fine of not more than $2,500.00, either or both.

For state law authority, see VA. CODE ANN. §§18.2-223 and 18.2-224 (Repl. Vol. 2014).

Editor's note: This ordinance, previously designated as §16-2 of this Code, was redesignated as §16-6 by the July 5, 2005 amendment without substantive change.

[THE 1987 AMENDMENT, in (c)(3), inserted "including the kind and quantity" and substituted "the sale and only the goods specified in the inventory list may be advertised at a reduced price or sold at a reduced price during the sale period" for "such special sale," inserted "each" in (d), substituted "that time" for "such period" and added "and inventory" in first sentence in (f) and added second sentence therein, added second sentence in (h), redesignated former (i) as (j), and inserted new (i).]

[THE 1988 AMENDMENT, in the second sentence of (f), substituted "An additional permit" for "A maximum of two additional permits" and "may be" for "shall be" and added paragraph (2) in (h).]

[THE 1992 AMENDMENT deleted "at a reduced price" following "advertised" and "sold" in (c)(3) and following "to advertise" and "or to sell any goods" in the first sentence in (h)(1), substituted "A maximum of one" for "An additional" in second sentence in (f), and deleted "and" preceding "which remain unsold."]

[THE 1993 AMENDMENT substituted "by confinement in jail for not more than twelve months and a fine of not more than $2,500.00, either or both" for "as provided in §1-6 of this Code" in (j).]

Article V. Crimes Involving Health and Safety.

Editor's note: The 1987 amendment deleted former §§16-9.1 to 16-9.5 in former Article V. prohibiting loitering.

Division A. In General.

Editor's note: For ordinance prohibiting the feeding of migratory and nonmigratory waterfowl in certain areas of County, see §4-3.3 of this Code.

Sec. 16-7. Urinating or defecating in public.

Any person who shall urinate or defecate in any public place, not specifically designated a public restroom or public bathroom, including the right-of-way of any public highway, road or street, or upon any private property, in such a manner that he or she may be readily observed in the process of such act by persons within his or her vicinity or passing by, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $100.00, which fine shall be paid into the general fund of the County.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018).

[THE 1987 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT inserted "not specifically designated a public restroom or public bathroom" and deleted "other than sanitary facilities designated for such purpose" preceding "in such a manner."]

[THE JULY 5, 2005 AMENDMENT redesignated the former §16-11 as present §16-7 and inserted "or defecate."]

Division B. Drugs.

Sec. 16-8. Possession of marijuana unlawful.

(a) It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§54.1-3400 et seq.)(Repl. Vol. 2013 and Cum. Supp. 2018).

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

Any person who violates this ordinance is guilty of a misdemeanor, and shall be confined in jail not more than thirty days and fined not more than $500, either or both; any person, upon a second or subsequent conviction of a violation of this ordinance, is guilty of a Class 1 misdemeanor.

(b) The provisions of this ordinance shall not apply to members of state, federal, county, city or town law-enforcement agencies, jail officers, or correctional officers, as defined in §53.1-1 (Repl. Vol. 2013), certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

(c) In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in state code, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to VA. CODE ANN. §54.1-3408.3 (Cum. Supp. 2018) for treatment or to alleviate the symptoms of (i) the individual's diagnosed condition or disease or (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult as defined in §18.2-369, such minor's or incapacitated adult's diagnosed condition or disease. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

For state law authority, see VA. CODE ANN. §18.2-250.1 (Cum. Supp. 2018) and VA. CODE ANN.

§15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 ACT adopted this section.]

[THE DECEMBER 1, 2015 AMENDMENT made minor stylistic changes to the third paragraph of (a) and added (c).]

[THE DECEMBER 5, 2017 AMENDMENT added "or of an incapacitated adult as defined in §18.2-369" and "or incapacitated adult's" in clause (ii) of (c).]

[THE DECEMBER 4, 2018 AMENDMENT substituted "diagnosed condition or disease" twice for "intractable epilepsy" in (c).]

Sec. 16-8.1. Methamphetamine lab cleanup costs; reimbursement.

Any person who is convicted of an offense for manufacture of methamphetamine pursuant to VA. CODE ANN. §18.2-248 (Repl. Vol. 2014) or VA. CODE ANN. §18.2-248.03 (Repl. Vol. 2014) shall be liable at the time of sentencing 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.

For state law authority, see VA. CODE ANN. §15.2-1716.2 (Repl. Vol. 2018).

[THE JULY 17, 2012 ACT adopted this section.]

Division C. Miscellaneous Dangerous Conduct.

Sec. 16-9. Covers to be kept on certain wells.

(a) Every person owning or occupying any land within the County on which there is a well having a diameter greater than six inches and which is more than ten feet deep shall at all times keep the same covered in such a manner as not to be dangerous to human beings, animals or fowls.

(b) Each well cover required by subsection (a) above shall be constituted of metal, concrete or some other similarly durable substance and shall completely cover the opening of the well. Such cover shall be anchored to the opening itself or to the area around the opening such that it is unlikely to be easily or inadvertently displaced.

(c) Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than $500.00.

For state law authority, see VA. CODE ANN. §§18.2-317 and 18.2-318 (Repl. Vol. 2014).

[THE 1982 AMENDMENT inserted "having a diameter greater than six inches and is more than ten feet deep" in (a), and rewrote (e) regarding the penalty for violation.]

[THE 1987 AMENDMENT rewrote the section.]

[THE JULY 5, 2005 AMENDMENT redesignated former §16-3 as present §16-9, and inserted “at all times” in (a).]

Division D. Excessive Noise and Sound.

Editor’s note: The July 5, 2005 amendments substituted “Division” for “article” throughout this Division to conform to the chapter reorganization.

Sec. 16-10. Control of excessive noise and sound; findings by Board of Supervisors.

The Board of Supervisors for the County of Campbell, Virginia, hereby finds and declares that excessive noise and sound is a serious hazard to the public health, welfare, peace and safety, and the quality of life of the citizens of Campbell County, particularly on and proximate to the public roads and highways, upon public property, and within the residential areas of the County; that use of sound producing or receiving device(s) or sound amplification device(s), loudspeaker(s), or the like on or proximate to public property in the County or on or in a motor vehicle on and proximate to the public roads and highways or on any private way or property in the County so that the sound produced exceeds certain decibel (dBA) limits enumerated and measured as described in this Division is deemed to be injurious to public health and safety; that a substantial body of science and technology exists by which excessive sound may be substantially monitored, controlled, and abated; that the people of the County of Campbell have a right to and should be ensured an environment free from excessive sound and noise pollution that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the County of Campbell to prevent such excessive noise and sound. (10-18-82)

For general authority of counties to secure and promote the health, safety, and general welfare of inhabitants, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2288.3 (Repl. Vol. 2018).

[THE DECEMBER 1, 1997 AMENDMENT inserted "particularly on and proximate..." in the first clause and inserted new second and third clauses.]

[THE MAY 7, 2013 AMENDMENT, effective June, 1, 2013, added “on or proximate to public property in the County or” in the first portion of the section and substituted “so that the sound produced exceeds certain decibel (dBA) limits enumerated and measured as described in this Division” for “such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s)

of ordinary habits and sensibilities and normal auditory acumen twenty-five (25) feet or more from the source of the sound is deemed to be injurious to public health and safety; that the use of sound producing or receiving device(s) or sound amplification device(s), loud speaker(s), or the like on or proximate to public property in the County such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen one hundred (100) feet or more from the source of the sound".]

Sec. 16-10.1. Definitions.

The following terms, when used in this Division, shall have the meaning hereinafter ascribed to them, unless otherwise clearly indicated by the context:

(a) A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(b) Decibel (db). A unit for measuring the volume of a sound equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).

(c) Emergency. An occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

(d) Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(e) Gross vehicle weight rating (GVWR). The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

(e-1) Moped. Every vehicle that travels on not more than three (3) wheels in contact with the ground that has (i) a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground and (ii) a gasoline, electric, or hybrid motor that displaces less than 50 cubic centimeters. For purposes of this chapter, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour.

(f) Motor carrier vehicle engaged in interstate commerce. Any vehicle for which regulations apply pursuant to §18 of the Federal Noise Control Act of 1979 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

(g) Motorcycle. Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. The term "motorcycle" does not include any "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or scooter," "utility vehicle" or "wheelchair or wheelchair conveyance" as defined in VA. CODE ANN. §46.2-100 (Cum. Supp. 2018).

(h) Motor vehicle. Every vehicle which is self-propelled or designed for self-propulsion. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle

to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle. A bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall not be deemed to be a motor vehicle for purposes of this Division.

(i) Reserved.

(j) Property boundary or property line. An imaginary, or measured, line along the ground surface, and its vertical extension, which separates the real property owned, leased or otherwise controlled by one person from that owned leased or otherwise controlled by another person.

(k) Sound. Any oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

(l) Sound level. The weighted sound pressure level obtained by the use of a sound level meter and the A-frequency weighting network, as specified in American National Standards Institute specifications for sound level meters.

(m) Sound level meter. An instrument which includes a microphone amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels.

(n) Vehicle. Every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. (10-18-82)

For related state law, see VA. CODE ANN. §15.2-919 (Repl. Vol. 2018). For additional definitions, see VA. CODE ANN. §46.2-100 (Cum. Supp. 2018).

[THE 1988 AMENDMENT, in (g), substituted "four-wheeled" for "four wheel" and added "and mopeds" at the end and substituted "highway" for "highway" preceding "except devices" in (h).]

[THE 1989 AMENDMENT inserted definition of "moped" as (e-1), deleted "and any four-wheeled vehicle weighing less than five hundred pounds and equipped with an engine of less than six horse-power" following "ground" in (g), rewrote definition of "motor vehicle" in (h), and added definition of "vehicle" in (n).]

[THE DECEMBER 1, 1997 AMENDMENT inserted "or noise disturbance" in the heading of paragraph (i) and rewrote the definition, deleting "or disturbs or which causes or tends to cause an adverse physiological effect on humans or livestock" following "annoys" and substituting new language, and inserted "or property line" in the heading of paragraph (j) and inserted "leased or otherwise controlled" twice.]

[THE FEBRUARY 2, 1998 AMENDMENT in the definition of "Moped" at paragraph (e-1) inserted the clause (i) designation and added clause (ii).]

[THE AUGUST 7, 2000 AMENDMENT, in the definition of "Moped" at paragraph (e-1), inserted "A conveyance that is either" and substituted "or" for "and" preceding clause (ii) therein; and in paragraph (h), added "for purposes of this article" at the end.]

[THE JUNE 17, 2002 AMENDMENT inserted "electric power-assisted bicycle" in the exclusionary language in the definition of "Motor vehicle."]

[THE JULY 7, 2003 AMENDMENT inserted "electric personal assistive mobility device" in the exclusionary language in the definition of "Motor vehicle."]

[THE DECEMBER 4, 2006 AMENDMENT rewrote the definition of "Moped," and, in the definition of "Motorcycle," substituted "Every" for "Any" and "and is capable of traveling at speeds in excess of 35 miles per hour" for "excepting farm tractors and mopeds" in the first sentence and added the second sentence.]

[THE DECEMBER 1, 2008 AMENDMENT deleted the definitions of "A-weighted sound level," "Decibel (db)", "Sound level" and "Sound level meter"; and deleted "and/or exceeds certain specified sound levels for that type of activity" from the definition of "Noise or noise disturbance."]

[THE JULY 20, 2009 AMENDMENT replaced the definitions of "A-weighted sound level," "Decibel (db)", "Sound level" and "Sound level meter"; and replaced "and/or exceeds certain specified sound levels for that type of activity" from the definition of "Noise or noise disturbance."]

[THE DECEMBER 6, 2011 AMENDMENT added the second sentence to the definition of "Moped."]

[THE MAY 7, 2013 AMENDMENT, effective June 1, 2013, deleted the definition of "Noise or noise disturbance" at (i), and deleted "but not including intra-building real property divisions" from the end of (j).]

Sec. 16-10.2. Administration and enforcement.

The noise control program established by this Division shall be enforced and administered by the Campbell County Sheriff, who is hereby designated the Noise Control Officer for the County of Campbell. The Sheriff may, in his discretion, ask for the assistance of other law-enforcement officers within the County in administering the provisions of §16-10 et seq. of this Code. (10-18-82)

[THE DECEMBER 1, 1997 AMENDMENT substituted "law-enforcement officers" for "departments" in the second sentence.]

Sec. 16-10.3. Testing and metering devices.

In order to implement and enforce this Division effectively, the Sheriff shall maintain standards and procedures for procuring, testing and validating sound level meters used in the enforcement of this Division.

[THE DECEMBER 1, 2008 AMENDMENT deleted this section which provided for the use of testing and metering devices for enforcement of this ordinance.]

[THE JULY 20, 2009 AMENDMENT replaced this section as it existed prior to December 1, 2008.]

[THE MAY 7, 2013 AMENDMENT, effective June 1, 2013 substituted "maintain" for "within sixty days after the effective date of this section, develop and promulgate" and added "procuring" to the first sentence; and deleted the second sentence, which allowed for the issuance of guidelines in circumstances where a sound level meter is not used.]

Sec. 16-10.3:1. Use of sound level meter required; point of measurement of sound or noise.

(a) Proper use of a sound level meter by the Sheriff or other law-enforcement officer is designed to yield an objective, quantifiable measurement of the sound level of a sound or noise. Therefore, a sound level meter shall be utilized. Measurement of the level of a sound or noise shall be in accordance with specifications as to minimum distances from source, time of day limitations, etc., as prescribed in this Division.

(b) When the provisions of this Division require measurement of a sound or noise at a minimum prescribed distance from its source, then that measurement may be taken at a point or points in any direction from the source as long as that point or points is/are located at least the minimum prescribed distance from the source; however, when the source of the sound or noise is pointed in a definite direction, then the measurement shall be taken at a point at least the minimum prescribed distance in that direction from the source.

(c) When the provisions of this Division require measurement of a sound or noise at the property boundary of the receiving property, then that measurement shall be taken at the point nearest the source of the sound or noise along the property boundary of the receiving land.

(d) In a structure used as a multi-family dwelling the Sheriff or other law-enforcement officer may take a measurement of the sound to determine sound levels from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. Such measurement shall be taken at a point at least four (4) feet from the wall, ceiling, or floor nearest the noise source, with doors to the receiving area closed and windows in the normal position for the season.

[THE DECEMBER 1, 1997 ACT adopted this section.]

[THE DECEMBER 1, 2008 AMENDMENT changed the title of this section from "Use of sound meter preferred; point of measurement or evaluation of sound or noise" to "Point of evaluation of sound or noise"; deleted "Proper use of a sound level meter by the Sheriff or other law-enforcement officer is designed to yield an objective, quantifiable

measurement of the sound level of a sound or noise. Therefore, whenever practical, a sound level meter shall be utilized. However, when a sound level meter is not available within a reasonable length of time or its use is otherwise impractical" from the beginning of subsection (a), deleted "or take a measurement to determine sound levels" from the first sentence of (d) and substituted "evaluation" for "measurement" and "made" for "taken" in the last sentence of (d).]

[THE JULY 20, 2009 AMENDMENT changed the title of this section back to "Use of sound meter preferred; point of measurement or evaluation of sound or noise"; replaced "Proper use of a sound level meter by the Sheriff or other law-enforcement officer is designed to yield an objective, quantifiable measurement of the sound level of a sound or noise. Therefore, whenever practical, a sound level meter shall be utilized. However, when a sound level meter is not available within a reasonable length of time or its use is otherwise impractical" from the beginning of subsection (a), replaced "or take a measurement to determine sound levels" from the first sentence of (d) and substituted "measurement" for "evaluation" and "taken" for "made" in the last sentence of (d).]

[THE MAY 7, 2013 AMENDMENT, effective June 1, 2013, substituted "required" for "preferred" in the title of the section, deleted "or evaluation" in conjunction with "measurement" several times, and deleted the third sentence in (a), which allowed for evaluation of sound without use of a sound level meter.]

Sec. 16-10.4. Maximum sound levels - In General.

Unless a different standard of maximum sound level generation for a prescribed activity is set forth in this Division, the following maximum sound levels shall apply:

(a) No person shall operate or cause to be operated or participate in the operation of any source of sound or noise in such a manner as to create a sound level in any portion of Campbell County in excess of 65 dBA when measured at the property boundary of the receiving land between the hours of 10 p.m. and 6 a.m. or in excess of 82 dBA when measured at the property boundary of the receiving land at any time of the day.

(b) Notwithstanding subsection (a) of the section, when the land receiving the sound or noise includes one or more occupied residential dwellings, then the sound level shall not exceed 52 dBA when measured at the property boundary of the receiving land between the hours of 10 p.m. and 6 a.m. or in excess of 77 dBA when measured at the property boundary of the receiving land at any time of the day.

(c) (1) No person shall keep or permit the keeping of any animal that produces frequent, loud or long-continued noise, (including, but not limited to, frequent, loud or long-continued barking, whining, howling, caterwauling or crying), regardless of the time of day. Such noise shall be deemed to be in violation of this subsection when a sound level measurement, administered by the Sheriff or other law-enforcement officer at the property boundary of the receiving land, exceeds the maximum sound levels set forth in subsections (a) and (b) hereof.

(2) Any person complaining of a violation of the noise control ordinance regarding any animal may enter a complaint by warrant returnable to the general district court, where the complaint shall be heard as all other complaints under criminal warrants are heard. The same standards set forth in paragraph (1) above as to determination of an animal noise control violation shall apply to an adjudication of such complaint under this paragraph.

(3) Upon a finding by the judge hearing the noise control violation or complaint that the animal involved has produced frequent, loud or long-continued noise (including, but not limited to, frequent, loud or long-continued barking, whining, howling, caterwauling or crying) in violation of this subsection, regardless of the time of day such noise is emitted, the owner or custodian shall be deemed guilty of a Class 4 misdemeanor. Upon a third conviction within one (1) year of any offense under this subsection involving the same animal, in addition to imposing a fine for the violation, the judge shall order the owner or custodian of the animal to remove it permanently from the County within two (2) weeks. Should the owner or custodian fail to comply with such order, the animal shall be seized by the animal control officer and humanely destroyed or placed for adoption outside the County.

(d) No person shall operate or permit the use or operation of any music or sound system which produces, reproduces, or amplifies sound on or proximate to any publicly owned property or public park, not including roads and rights-of-way, in such a manner that the sound emanating therefrom exceeds 77 dBA one hundred (100) feet or more from the source of the sound, regardless of the time of day.

[THE DECEMBER 1, 1997 AMENDMENT added the undesignated introductory paragraph, deleted the former last sentence in (a) and redesignated that provision as (d) hereof, deleted former (b), and added new (b) and (c).]

[THE DECEMBER 1, 2003 AMENDMENT designated provisions of (c) as paragraph (1) thereof and substantially rewrote provisions regarding animal noises and added paragraphs (2) and (3) therein to prescribe procedure for complaints regarding animal noises.]

[THE DECEMBER 1, 2008 AMENDMENT substituted "such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen" for "in excess of 65 dBA" in (a) and rewrote the remainder of the section for clarity; deleted subsection (b); deleted "Such noise shall be deemed to be in violation of this subsection when a sound level measurement, administered by the Sheriff or other law-enforcement officer at the property boundary of the receiving land, exceeds the maximum sound levels set forth in subsections (a) and (b) hereof. If administration of such sound level measurement is not practicable, then" after the first sentence in (c)(1); and substituted "limitations" for "maximum sound levels" in (d).]

[THE JULY 20, 2009 AMENDMENT substituted "in excess of 65 dBA" for "such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal

auditory acumen" in (a) and rewrote the remainder of the section for clarity; replaced subsection (b); replaced "Such noise shall be deemed to be in violation of this subsection when a sound level measurement, administered by the Sheriff or other law-enforcement officer at the property boundary of the receiving land, exceeds the maximum sound levels set forth in subsections (a) and (b) hereof. If administration of such sound level measurement is not practicable, then" after the first sentence in (c)(1); and substituted "maximum sound levels" for "limitations" in (d).]

[THE DECEMBER 6, 2011 AMENDMENT added "except in zoning districts R-SF, R-MH, and R-MF" to the end of (d).]

[THE MAY 7, 2013 AMENDMENT, effective June 1, 2013, added "or in excess of 82 dBA when measured at the property boundary of the receiving land at any time of the day" in (a), added "or in excess of 77 dBA when measured at the property boundary of the receiving land at any time of the day" in (b), substituted "that produces" for "which, by causing" and deleted "annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary sensibilities" and the last sentence from (c)(1), substituted "has produced" for "by causing" and deleted "has annoyed, disturbed, injured or endangered the comfort, health, peace or safety of reasonable person(s) of ordinary sensibilities" from (c)(3), and substituted "No person shall operate or permit the use or operation of any music or sound system which produces, reproduces, or amplifies sound on or proximate to any publicly owned property or public park, not including roads and rights-of-way, in such a manner that the sound emanating therefrom exceeds 77 dBA one hundred (100) feet or more from the source of the sound, regardless of the time of day" for the former language of (d), which has been moved to 16-10.6(n).]

Sec. 16-10.4:1. Reserved.

Sec. 16-10.4:2. Enclosed public dance or concert or other public musical performance; warnings required to be posted.

It shall be unlawful for any person, corporation, partnership, joint venture or other entity of any kind or nature to operate any public dance or concert or other public musical performance inside a building or enclosed structure where music is made by electronic instrument or where electronic amplification is made of the voice or music not made electronically, to operate or cause to be operated or participate in the operation of any source of sound or noise in such a manner as to create a sound level in the County in excess of 85 dBA when measured at a distance of fifteen (15) feet or more from the loud speaker or other sound-emitting component of the electronic system or collection of loudspeakers or sound-emitting components if several such components or systems are used, unless conspicuous and legible signs are located outside such places near the entrances, stating "WARNING: EXPOSURE TO SOUND ENVIRONMENT WITHIN MAY CAUSE HEARING IMPAIRMENT". (10-18-82)

[THE DECEMBER 1, 1997 AMENDMENT redesignated former (b) of §16-10.4 as (a) herein, deleted "between the hours of 10 p.m. and 6 a.m." preceding "in excess or 65 dBA" in the middle of (a), and added (b).]

[THE DECEMBER 1, 2008 AMENDMENT substituted "such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen" for "in such a manner as to create a sound level in the County in excess of 65 dBA."]

[THE JULY 20, 2009 AMENDMENT substituted "in such a manner as to create a sound level in the County in excess of 65 dBA" for "such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen".]

[THE MAY 7, 2013 AMENDMENT, effective June 1, 2013, substituted "Enclosed" for "Same" in the title, added "inside a building or enclosed structure" to the first paragraph, formerly (a), substituted "85" for "65" prior to dBA in the first paragraph, and deleted former (b).]

Sec. 16-10.5. Motor vehicles.

(a) No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on or proximate to a public right of way or on any private way or property between the hours of 10 p.m. and 6 a.m. in such a manner that the sound level emitted by the motor vehicle or motorcycle when measured at a distance of 50 feet or more from the source of the sound or noise exceeds the level set forth on the following table:

	Sound Level in dBA	
	Speed Limit 35 MPH or less	Speed Limit Over 35 MPH
All motor vehicles or GVWR or GCWR of 6,000 lbs. or more	86	90
Any motorcycle	82	86
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	82

(b) No person shall operate or permit the use or operation of any radio receiving set, tape, compact disc or MP3 player, loudspeaker, or any other device on or in a motor vehicle which produces, reproduces or amplifies sound in a motor vehicle on or proximate to a public right of way or on any private way or property in such a manner as the sound emanating therefrom exceeds 82 dBA twenty-five (25) feet or more from the motor vehicle, regardless of the time of day.

(c) No person shall sound repeatedly or continuously, or permit the sounding repeatedly or continuously, of any horn, whistle or other device on or in any vehicle at any time, except as a warning of danger.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-919 (Repl. Vol. 2018).

[THE DECEMBER 1, 1997 AMENDMENT inserted "or proximate to" preceding "a public right of way" in the introductory language.]

[THE DECEMBER 1, 2008 AMENDMENT substituted "such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen" for "in such a manner that the sound level emitted by the motor vehicle or motorcycle when measured"; and deleted a table establishing decibel limits.]

[THE JULY 20, 2009 AMENDMENT substituted "in such a manner that the sound level emitted by the motor vehicle or motorcycle when measured" for "such that the sound emanating therefrom annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable person(s) of ordinary habits and sensibilities and normal auditory acumen"; and replaced the table establishing decibel limits.]

[THE MAY 7, 2013 AMENDMENT, effective June 1, 2013, deleted "Same - Operation of" from the title, added subsections (b) and (c), and designated the previous language of the section as (a).]

Sec. 16-10.6. Exemptions from Division.

The provisions of this Division shall not apply to:

(a) Sound created by the operation of power tools such as power lawn mowers, chain saws, weed eaters, etc., provided the operation of said equipment is limited to between the hours of 6:00 a.m. to 10:00 p.m. and such equipment is operated with a standard muffler or sound dissipating devices;

(b) Sound generated by the construction, repair, maintenance, remodeling, demolition, alteration, grading or other improvement of real property, streets, sewers or utility lines, provided such sound is limited to between the hours of 6:00 a.m. to 10:00 p.m.;

(c) Sound generated by the operation of any governmental function or pursuant to any public construction contract;

(d) Radios, sirens, horns or bells on police, fire or other emergency response vehicles;

(e) Parades, fireworks or other special events or activities where a special entertainment permit as set forth in §§ 3-6 et seq. of the Code of Campbell County is required and has been issued

by the County, within such hours as may be specified in the relevant permit. Venues such as farm wineries, or other special events that are not required to get special entertainment permits for outdoor events wishing to obtain exemptions from this Division should submit a request to the Clerk of the Board of Supervisors for case-by-case exemptions.

(f) Religious services, religious events or religious activities, including, but not limited to, music, bells, chimes and organs which are part of such religious activity;

(g) Non-commercial public speaking and public assembly activities conducted on any public right-of-way or public property for which any required permits have been issued by the County, within such conditions as may be imposed as a condition for the issuance of such permit(s);

(h) Band performances or practices, athletic contests or practices or other school-sponsored activities on the grounds of public or private schools, provided that such activities have been authorized by school officials;

(i) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm;

(j) Sound generated for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work;

(k) Activities for which the regulation of noise has been pre-empted by federal law;

(l) Religious or political gatherings and other activities protected by the First Amendment to the United States Constitution;

(m) The movement of aircraft or trains which is conducted in accordance with or pursuant to applicable federal laws and regulations.

(n) Bona fide agricultural activities, including noise caused by livestock, or from construction equipment or from bona fide industrial procedures, except those located in zoning districts R-SF, R-MH, and R-MF and not otherwise exempt.

[THE DECEMBER 1, 1997 AMENDMENT expanded the list of possible exemptions from the article, and redesignated former items (a) and (b) as present subsection (j).]

[THE DECEMBER 4, 2012 AMENDMENT, in (e), substituted “where a special entertainment permit as set forth in §§ 3-6 et seq. of the Code of Campbell County is required and has” for “for which the appropriate permits have” and substituted “specified in the relevant” for “imposed as a condition for the issuance of any permit.”]

[THE MAY 7, 2013 AMENDMENT, effective June 1, 2013, deleted “domestic” from (a), added the second sentence to subsection (e), and added subsection (n).]

Sec. 16-10.6:1. Reserved.

Sec. 16-10.6:2. Limited applicability to certain sport shooting ranges.

(a) This Division shall not be construed so as to subject a sport shooting range to noise control standards more stringent than those in effect at its effective date.

(b) The operation or use of a sport shooting range shall not be enjoined on the basis of noise, nor shall any person be subject to action for nuisance or criminal prosecution in any matter relating to noise resulting from the operation of the range, if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved, or at the time any application was submitted for the construction or operation of the range.

(c) Any sport shooting range operating or approved for construction within the Commonwealth, which has been condemned through an eminent domain proceeding by any condemning entity, and which relocates to another site within the same locality within two (2) years of the final condemnation order, shall not be subjected to any noise control standard more stringent than those in effect at the effective date of such sport shooting range.

(d) For purposes of this section, "sport shooting range" means an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar sport shooting. For purposes of this section, "effective date" means the time the construction or operation of the sport shooting range initially was approved, or at the time any application was submitted for the construction or operation of the sport shooting range, whichever is earliest.

For state law basis, see VA. CODE ANN. §15.2-917 (Repl. Vol. 2018).

[THE 1990 ACT adopted this section.]

[THE JULY 5, 2005 AMENDMENT added the phrase beginning "or at the time any application . . ." at the end of subsections (a) and (b).]

[THE DECEMBER 4, 2006 AMENDMENT substituted "its effective date" for "the time the construction or operation of the range initially was approved, or at the time any application was submitted for the construction or operation of the range" in (a), redesignated former (c) as present (d) and added the second paragraph therein, and inserted new (c).]

Sec. 16-10.7. Penalties.

(a) Any person who violates any provision of this Division shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imposition of a fine of not more than $100.00.

(b) Each day of violation of any provision of this Division shall constitute a separate offense. (10-18-82)

[THE 1987 AMENDMENT deleted "Class Four" preceding "misdemeanor" and added the language following "misdemeanor" in subsection (a).]

Sec. 16-10.8. Severability.

Should any section or portion thereof of this Division of the Campbell County Code of 1988 be held by final order of any court of competent jurisdiction to be unconstitutional or unenforceable, all other sections and portions thereof of this Division shall remain in full force and effect. (10-18-82)

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018).

[THE 1988 AMENDMENT substituted "1988" for "1981."]

Article VI. Crimes Against Peace and Order.

Sec. 16-11. Disorderly conduct in public places.

A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(a) In any street, highway, public building, or while in or on a public conveyance, or public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; or

(b) Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or meeting of the governing body of any political subdivision of this Commonwealth or a division or agency thereof, or of any school, literary society or place of religious worship, if the disruption (i) prevents or interferes with the orderly conduct of the funeral, memorial service, or meeting or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or

(c) Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.

However, the conduct prohibited under subdivisions (a), (b) or (c) of this ordinance shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under Title 18.2 of the Code of Virginia.

The person in charge of any such building, place, conveyance, meeting, operation or activity may eject therefrom any person who violates any provision of this ordinance, with the aid, if necessary, of any persons who may be called upon for such purpose.

A person violating any provision of this ordinance shall be guilty of a Class 1 misdemeanor.

For state law authority, see VA. CODE ANN. §18.2-415 (Repl. Vol. 2014), especially the last paragraph therein. For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 AMENDMENT amended and redesignated the former provisions of this section (prohibiting urinating in public) as present §16-7, and adopted this section.]

[THE DECEMBER 4, 2006 AMENDMENT inserted "funeral, memorial service, or" twice in (b).]

Sec. 16-11.1. Punishment for using abusive language to another.

If any person shall, in the presence or hearing of another, curse or abuse such other person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a Class 3 misdemeanor.

For state law authority, see VA. CODE ANN. §18.2-416 (Repl. Vol. 2014) and §15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 ACT adopted this section.]

Sec. 16-11.2. Causing telephone to ring with intent to annoy.

Any person who, with or without intent to communicate but with intent to annoy any other person, causes any telephone or digital pager, not his own, to ring or to otherwise signal, and any person who permits or condones the use of any telephone under his control for such purpose is guilty of a Class 3 misdemeanor. A second or subsequent conviction under this section is punishable as a Class 2 misdemeanor if such prior conviction occurred before the date of the offense charged.

For state law authority, see VA. CODE ANN. §18.2-429 A. (Cum. Supp. 2018) and §15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT substituted "is" for "shall be" in the first sentence, and added the second sentence.]

Sec. 16-11.3. Causing telephone to ring with intent to annoy, harass, hinder, or delay emergency personnel in the performance of their duties.

(a) Any person who, with or without intent to converse, but with intent to annoy, harass, hinder or delay emergency personnel in the performance of their duties as such, causes a telephone to ring, which is owned or leased for the purpose of receiving emergency calls by a public or private entity providing fire, police or emergency medical services, and any person who knowingly permits the use of a telephone under his control for such purpose, is guilty of a Class 1 misdemeanor.

(b) For the purposes of this ordinance, the following definitions shall apply:

"Emergency call" means a call to report a fire or summon police, or for emergency medical services, in a situation where human life or property is in jeopardy and the prompt summoning of aid is essential.

"Emergency personnel" means any persons, paid or volunteer, who receive calls for dispatch of police, fire, or emergency medical services personnel, and includes law-enforcement officers, firefighters, including special forest wardens designated pursuant to VA. CODE ANN. §10.1-1135 (Repl. Vol. 2012), and emergency medical services personnel.

For state law authority, see VA. CODE ANN. §18.2-429 B. (Cum. Supp. 2018), §18.2-426 (Cum. Supp. 2018), and §15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

Cross reference: For provisions regarding calling or summoning ambulance or fire-fighting apparatus without just cause and maliciously activating fire alarms in public buildings, see §16-5 of this Code. For provisions regarding falsely summoning or giving false reports to law-enforcement officials, see §16-11.6 of this Code.

[THE JULY 5, 2005 ACT adopted this section.]

[THE DECEMBER 3, 2007 AMENDMENT added "designated pursuant to VA. CODE ANN. §10.1-1135 (Repl. Vol. 2006)" to the definition of "Emergency personnel".]

[THE DECEMBER 4, 2012 AMENDMENT substituted "is" for "shall be" prior to "guilty" in (a).]

[THE DECEMBER 1, 2015 AMENDMENT substituted "services" for "service" in three places and substituted "emergency medical services" for "medical aid or ambulance service" in the definition of "Emergency call."]

Sec. 16-11.4. Venue for offenses under §§16-11.2 and 16-11.3 of this Code.

Any person violating any of the provisions of §16-11.2 or §16-11.3 of this Code may be prosecuted either in the county or city from which he called or in the county or city in which the call was received.

For state law authority, see VA. CODE ANN. §18.2-430 (Repl. Vol. 2014) and §15.2-1200 (Repl. Vol. 2018).

[THE JULY 5, 2005 ACT adopted this section.]

Article VII Crimes Against the Administration of Justice.

Sec. 16-11.5. Obstructing justice; penalties.

(a) If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to VA. CODE ANN. § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law-enforcement officer, or animal control officer employed pursuant to VA. CODE ANN. § 3.2-6555, he is guilty of a Class 1 misdemeanor.

(b) Except as provided by VA. CODE ANN. § 18.2-460(C), any person who, by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or an animal control officer employed pursuant to VA. CODE ANN. § 3.2-6555 lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1 misdemeanor.

(c) Reserved.

(d) Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or an animal control officer employed pursuant to VA. CODE ANN. § 3.2-6555 who is in the course of conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

(e) Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection, intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave.

For state law authority, see VA. CODE ANN. §18.2-460 (Cum. Supp. 2018) and §15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 ACT adopted this section.]

[THE DECEMBER 3, 2007 AMENDMENT made minor revisions to language in subsection (b) to clarify how the offense is charged.]

[THE DECEMBER 7, 2009 AMENDMENT inserted "or an animal control officer employed pursuant to VA. CODE ANN. § 3.2-6555" twice in subsection (a), and once each in subsections (b) and (d).]

[THE DECEMBER 4, 2018 AMENDMENT substituted "is guilty" for "shall be guilty" in (a) and added subsection (e).]

Sec. 16-11.6. Falsely summoning or giving false reports to law-enforcement officials.

It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any law-enforcement official with intent to mislead, or (ii) without just cause and with intent to interfere with the operations of any law-enforcement official, to call or summon any law-enforcement official by telephone or other means, including engagement or activation of an automatic emergency alarm. Violation of the provisions of this section shall be punishable as a Class 1 misdemeanor.

For state law authority, see VA. CODE ANN. §18.2-461 (Repl. Vol. 2014) and §15.2-1200 (Repl. Vol. 2018). For penalties for misdemeanors, see §1-6 of this Code and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE JULY 5, 2005 ACT adopted this section.]

Article VIII. Hunting On or Within the Ditchlines of Highways.

Editor's note: VA. CODE ANN. §29.1-100, relating to definitions of various weapons for purposes of Title 29.1 of the state code [Game, Inland Fisheries and Boating], was amended effective January 1, 2003. At the same time, the Department of Game and Inland Fisheries promulgated suggested model ordinances regarding hunting and trapping in order to standardize ordinances across the state. However, in accordance with VA. CODE ANN. §29.1-526 (Repl. Vol. 2015), no such ordinance shall be enforceable unless the governing body notified the Director of the Department of Game and Inland Fisheries by registered mail prior to May 1 of the year in which the ordinance was to take effect. Amendments to this Article were adopted by the Campbell County Board of Supervisors on July 7, 2003, and the required notice to the Director of the Department of Game and Inland Fisheries was duly sent on July 22, 2003. Therefore, in accordance with the provisions of VA. CODE ANN. §29.1-526, those amendments to §§16-12 through 16-14 of this Code became effective on July 1, 2004, prior to which time provisions previously adopted continued in effect.

On December 4, 2006, the Board of Supervisors amended the first paragraph in §16-13 of this Code by substituting "on or within the ditchlines of any primary or secondary highway in Campbell County" for "within the right-of-way of any primary or secondary highway in Campbell County." Such amendment became effective July 1, 2007. The required notice to the Director of the Department of Game and Inland Fisheries was duly sent by certified mail on December 15, 2006. Therefore, in accordance with the provisions of VA. CODE ANN. §29.1-526, the amendment to §16-13 of this Code became effective on July 1, 2007, prior to which time provisions previously adopted continued in effect.

Sec. 16-12. Definitions.

For the purposes of this Article, the following terms shall have the following meaning:

Firearm. Any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.

Game. Wild animals and wild birds that are commonly hunted for sport or food.

Game animals. Deer (including all Cervidae), bear, rabbit, fox, squirrel, bobcat and raccoon.

Hunting and trapping. The act of or the attempted act of taking, hunting, trapping, pursuing, chasing, shooting, snaring or netting birds or animals, and assisting any person who is hunting, trapping or attempting to do so, regardless of whether birds or animals are actually taken; however, when hunting and trapping are allowed, reference is made to such acts as being conducted by lawful means and in a lawful manner. The State Board of Game and Inland Fisheries may authorize by regulation the pursuing or chasing of wild birds or wild animals during any closed hunting season where persons have no intent to take such birds or animals.

For state law authority, see VA. CODE ANN. §29.1-526 (Repl. Vol. 2015). For state law basis for definitions, see VA. CODE ANN. §29.1-100 (Cum. Supp. 2018).

[THE 1988 ACT adopted this section.]

[THE JULY 7, 2003 AMENDMENT, effective July 1, 2004, deleted paragraph designations, deleted the definition of "Game bird," added definitions of "Firearm" and "Game," substituted the term "Game animals" for the term "Game animal" and inserted "and" preceding "raccoon" therein, and substituted the term "Hunting and trapping" for "Hunt" and added the clause at the end of the first sentence, and added the second sentence therein.]

[THE DECEMBER 4, 2012 AMENDMENT added "(including all Cervidae)" to the definition of "Game animals".]

Sec. 16-13. Hunting on or within the ditchlines of highways prohibited.

It shall be unlawful to hunt, with a firearm, on or within the ditchlines of any primary or secondary highway in Campbell County. (4-19-88)

For the purposes of this section, the term "hunt" shall not include the necessary crossing of highways for the bona fide purpose of going into or leaving a lawful hunting area.

For state law authority, see VA. CODE ANN. §29.1-526 (Repl. Vol. 2015). See also VA. CODE ANN. §15.2-1209.1 (Repl. Vol. 2018).

Cross references: For state law prohibiting shooting of firearm, crossbow, slingbow, arrowgun, or bow and arrow in or across road or in street, see VA. CODE ANN. §18.2-286 (Cum. Supp. 2018). For state law prohibiting shooting from vehicles so as to endanger persons, see VA. CODE ANN. §18.2-286.1 (Repl. Vol. 2014).

For state law authorizing counties to prohibit the outdoor shooting of firearms or arrows from bows in certain more heavily populated areas, see VA. CODE ANN. §15.2-1209 (Repl. Vol. 2018). For state law authorizing localities to regulate the use of pneumatic guns, see VA. CODE ANN. §15.2-915.4 (Repl. Vol. 2018). For state law authorizing counties to prohibit shooting of compound bows, crossbows, slingbows, arrowguns, longbows, and recurve bows in a manner that can reasonably be expected to result in the impact of the arrow upon the property of another without permission from the owner, tenant or feeholder of the property, see VA. CODE ANN. §15.2-916 (Cum. Supp. 2018). For state law authorizing counties to prohibit hunting near public schools and/or public parks, see VA. CODE ANN. §29.1-527 (Repl. Vol. 2015).

[THE 1988 ACT adopted this section.]

[THE JULY 7, 2003 AMENDMENT, effective July 1, 2004, deleted "for any person," and substituted "within the right-of-way" for "any game bird or game animals, on or within the ditchlines" in the first paragraph and added the second paragraph.]

[THE DECEMBER 4, 2006 AMENDMENT, effective July 1, 2007, substituted "on or within the ditchlines" for "within the right-of-way" in the first paragraph.]

Sec. 16-14. Same--Penalties.

Any person who violates the provisions of this Article shall be guilty of a Class 3 misdemeanor, and, upon conviction, shall be punishable by a fine of not more than five hundred dollars ($500.00). (4-19-88) (3-21-89)

For state law authorizing punishment as a misdemeanor, see VA. CODE ANN. §29.1-526 (Repl. Vol. 2015). As to penalties for misdemeanors, see VA. CODE ANN. §18.2-11(c) (Repl. Vol. 2014).

[THE 1988 ACT adopted this section.]

[THE MARCH 1989 AMENDMENT substituted "and, upon conviction, shall be punishable by a fine of not more than five hundred dollars ($500.00)" for "punishable as a Class III Misdemeanor as that term is defined in VA. CODE ANN. §18.2- 11(c) (Repl. Vol. 1982)."]

[THE JULY 7, 2003 AMENDMENT, effective July 1, 2004, substituted "Any person who violates the provisions" for "Violation" and "be guilty of a Class 3 misdemeanor" for "be a misdemeanor."]

Article IX. Indoor Clean Air Act.

Sec. 16-15. Definitions.

As used in this article unless the context requires a different meaning:

"Bar or lounge area" means any establishment or portion of an establishment devoted to the sale and service of alcoholic beverages for consumption on the premises and where the sale or service of food or meals is incidental to the consumption of the alcoholic beverages.

"Educational facility" means any building used for instruction of enrolled students, including but not limited to any day-care center, nursery school, public or private school, institution of higher education, medical school, law school, or career and technical education school.

"Health care facility" means any institution, place, building, or agency required to be licensed under Virginia law, including but not limited to any hospital, nursing facility or nursing home, boarding home, assisted living facility, supervised living facility, or ambulatory medical and surgical center.

"Private work place" means any office or work area that is not open to the public in the normal course of business except by individual invitation.

"Proprietor" means the owner or lessee of the public place, who ultimately controls the activities within the public place. The term "proprietor" includes corporations, associations, or partnerships as well as individuals.

"Public conveyance" or "public vehicle" means any air, land, or water vehicle used for the mass transportation of persons in intrastate travel for compensation, including but not limited to any airplane, train, bus, or boat that is not subject to federal smoking regulations.

"Public place" means any enclosed, indoor area used by the general public, including but not limited to any building owned or leased by the Commonwealth or any agency thereof or any locality, public conveyance or public vehicle, educational facility, hospital, nursing facility or nursing home, other health care facility, library, retail store of 15,000 square feet or more, auditorium, arena, theater, museum, concert hall, or other area used for a performance or an exhibit of the arts or sciences, or any meeting room.

"Recreational facility" means any enclosed, indoor area used by the general public and used as a stadium, arena, skating rink, video game facility, or senior citizen recreational facility.

"Restaurant" means any place where food is prepared for service to the public on or off the premises, or any place where food is served. Examples of such places include but are not limited to lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and colleges, and kitchen areas of local correctional facilities subject to standards adopted under §53.1-68. “Restaurant” shall not include (i) places where packaged or canned foods are manufactured and then distributed to grocery stores or other similar food retailers for sale to the public, (ii) mobile points of service to the general public that are outdoors, or (iii) mobile points of service where such service and consumption occur in a private residence or in any location that is not a public place. “Restaurant” shall include any bar or lounge area that is part of such restaurant.

"Smoke" or "smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

"Theater" means any indoor facility or auditorium, open to the public, which is primarily used or designed for the purpose of exhibiting any motion picture, stage production, musical recital, dance, lecture, or other similar performance.

For state law authority, see VA. CODE ANN. §15.2-2820 (Repl. Vol. 2018).

Editor’s note.--For definition of “Person,” see §1-2 of this Code.

[THE 1990 ACT adopted this section.]

[THE 1993 AMENDMENT substituted "nursing facility or nursing home" for "nursing home" in definitions of "Health care facility" and "Public place" and substituted "adult care residence" for "adult home" in "Health care facility” definition.]

[THE MARCH 17, 1997 AMENDMENT added definition of "Recreational facility."]

[THE MAY 17, 1999 AMENDMENT deleted the definition of "Person" and substituted "locality" for "county, city, or town" in the definition of "Public place."]

[THE JUNE 17, 2002 AMENDMENT substituted "career and technical education" for "vocational" in definition of "Educational facility."]

[THE DECEMBER 7, 2009 AMENDMENT rewrote the definitions of "Bar or lounge area" and "Restaurant," substituted "assisted living facility" for "adult care residence" in the definition of "Health care facility," deleted "restaurant" from the definition of "Public place," and corrected punctuation throughout.]

[THE DECEMBER 5, 2017 AMENDMENT substituted "institution of higher education" for "college, university" in the definition of "Educational facility."]

Sec. 16-16. Purpose and intent; exception re Department of Corrections.

(a) The purpose of this article is to establish reasonable no-smoking areas, considering the nature of the use and the size of the building, in any building owned or leased by the Commonwealth of Virginia or Campbell County, or any agency of either.

(b) The provisions of this chapter shall not apply to office, work or other areas of the Virginia Department of Corrections that are not entered by the general public in the normal course of business or use of the premises.

For state law authority, see VA. CODE ANN. §15.2-2823 (Repl. Vol. 2018).

[THE 1990 ACT adopted this section.]

[THE MARCH 17, 1997 AMENDMENT added "and this article" at the end of (a).]

[THE DECEMBER 7, 2009 AMENDMENT substituted "reasonable" for "certain" in subsection (a) and deleted "and in certain other public places, as mandated by VA. CODE ANN. §15.2-2801 (Repl. Vol. 2008) and this article" from the end of subsection (a), and substituted "that" for "which" in subsection (b).]

Sec. 16-17. "No smoking" areas.

It shall be unlawful for any person to smoke in any of the following places:

1. Elevators, regardless of capacity, except in any open material hoist elevator not intended for use by the public;

2. The interior of any public elementary, intermediate, and secondary school;

3. Common areas in an educational facility, including, but not limited to, classrooms, hallways, auditoriums, and public meeting rooms;

4. Hospital emergency rooms;

5. Local or district health departments;

6. Polling rooms;

7. Indoor service lines and cashier areas;

8. Public restrooms in any building owned or leased by the Commonwealth or any agency thereof;

9. The interior of a child day center licensed pursuant to §63.2-1701 that is not also used for residential purposes; however, this prohibition shall not apply to any area of a building not utilized by a child day center, unless otherwise prohibited by this article;

10. Public restrooms of health care facilities;

11. School buses and public conveyances.

For state law authority, see VA. CODE ANN. §15.2-2824 and §15.2-2829 (Repl. Vol. 2018).

[THE 1990 ACT adopted this section.]

[THE 1991 AMENDMENT added "except in any open material hoist elevator, not intended for use by the public" at the end of item 1.]

[THE MARCH 17, 1997 AMENDMENT added "and of VA. CODE ANN. §15.1-291.2 (Cum. Supp. 1996)." at the end of item 3.]

[THE JULY 7, 2003 AMENDMENT inserted new item 2 and redesignated former items 2. through 5. as present 3. through 6.]

[THE DECEMBER 7, 2009 AMENDMENT added subsections 4, 5, 6, 8, 9, and 10, and renumbered all paragraphs as necessary.]

Sec. 16-17.1. Smoking in restaurants prohibited; exceptions; posting of signs; penalty for violation.

(a) Smoking shall be prohibited and no person shall smoke in any restaurant in the Commonwealth or in any restroom within such restaurant, except that smoking may be permitted in:

1. Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public. Examples of such places or operations include the preparation or storage of food for catering services, pushcart operations, hotdog stands, and other mobile points of service;

2. Any outdoor area of a restaurant, with or without roof covering, at such times when such outdoor area is not enclosed in whole or in part by any screened walls, roll-up doors, windows or other seasonal or temporary enclosures;

3. Any restaurants located on the premises of any manufacturer of tobacco products;

4. Any portion of a restaurant that is used exclusively for private functions, provided such functions are limited to those portions of the restaurant that meet the requirements of subsection (a)(5);

5. Any portion of a restaurant that is constructed in such a manner that the area where smoking may be permitted is (i) structurally separated from the portion of the restaurant in which smoking is prohibited and to which ingress and egress is through a door and (ii) separately vented to prevent the recirculation of air from such area to the area of the restaurant where smoking is prohibited. At least one public entrance to the restaurant shall be into an area of the restaurant where smoking is prohibited. For the purposes of the preceding sentence, nothing shall be construed to require the creation of an additional public entrance in cases where the only public entrance to a restaurant in existence as of December 1, 2009, is through an outdoor area described in subsection (a)(2); and

6. Any private club.

(b) For the purposes of this section:

"Proprietor" means the owner, lessee or other person who ultimately controls the activities within the restaurant. The term "proprietor" includes corporations, associations, or partnerships as well as individuals.

"Structurally separated" means a stud wall covered with drywall or other building material or other like barrier, which, when completed, extends from the floor to the ceiling, resulting in a physically separated room. Such wall or barrier may include portions that are glass or other gas-impervious building material.

(c) No individual who is wait staff or bus staff in a restaurant shall be required by the proprietor to work in any area of the restaurant where smoking may be permitted without the consent of such individual. Nothing in this subsection shall be interpreted to create a cause of action against such proprietor.

(d) The proprietor of any restaurant shall:

1. Post signs stating "No Smoking" or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every restaurant where smoking is prohibited in accordance with this section; and

2. Remove all ashtrays and other smoking paraphernalia from any area in the restaurant where smoking is prohibited in accordance with this section.

(e) Any proprietor of a restaurant who fails to comply with the requirements of this section shall be subject to the civil penalty of not more than $25.

(f) No person shall smoke in any area of a restaurant in which smoking is prohibited as provided in this section. Any person who continues to smoke in such area after having been asked to refrain from smoking shall be subject to a civil penalty of not more than $25.

(g) It shall be an affirmative defense to a complaint brought against a proprietor for a violation of this section that the proprietor or an employee of such proprietor:

1. Posted a "No Smoking" sign as required;

2. Removed all ashtrays and other smoking paraphernalia from all areas where smoking is prohibited;

3. Refused to seat or serve any individual who was smoking in a prohibited area; and

4. If the individual continued to smoke after an initial warning, asked the individual to leave the establishment.

(h) Civil penalties assessed under this section shall be paid into the Virginia Health Care Fund established under § 32.1-366.

(i) Any local health department or its designee shall, while inspecting a restaurant as otherwise required by law, inspect for compliance with this section.

For state law authority, see VA. CODE ANN. §15.2-2825 (Repl. Vol. 2018).

[THE DECEMBER 7, 2009 ACT adopted this section.]

Sec. 16-18. Designation of "no smoking" areas in buildings owned or leased by Campbell County.

(a) The County of Campbell, through its Board of Supervisors or its agent, shall provide reasonable no-smoking areas, considering the nature of the use and the size of the building, in any building owned or leased by the County. Such no-smoking areas shall be provided in all parts of such buildings that are frequented by the general public during those times that such part of the building is open to the general public.

(b) The Board of Supervisors, or its agent, shall cause such no-smoking and smoking-permitted areas to be clearly designated and posted with signs in accordance with §16-22 of this Code.

(c) In no event shall smoking be permitted in local or district health departments, polling rooms, rooms in which a public meeting or hearing is being held, or in the areas specified in §16-17 and §16-17.1 of this Code, or where prohibited by state law.

(d) Designation of no-smoking and smoking-permitted areas shall be subject to the exceptions provided in §16-19 of this Code, to the requirements set forth in §16-20 of this Code, and to other applicable provisions of local ordinance or state law.

For state law authority, see VA. CODE ANN. §15.2-2823 (Repl. Vol. 2018), §15.2-2824 (Repl. Vol. 2018) and §15.2-2825 (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-2831 (Repl. Vol. 2018) and §15.2-2832 (Repl. Vol. 2018).

[THE MARCH 17, 1997 ACT adopted this section.]

[THE JULY 7, 2003 AMENDMENT deleted "unless permitted under a limited exception authorized by state law" following "of this Code" in (c).]

[THE DECEMBER 7, 2009 AMENDMENT added "and §16-17.1" to subsection (c).]

Sec. 16-19. Exceptions.

The provisions of this article shall not be construed to regulate smoking in:

1. Retail tobacco stores, tobacco warehouses or tobacco manufacturing facilities;

2. Conference or meeting rooms and public or private assembly rooms while these places are being used for private functions;

3. Private work places;

4. Areas of enclosed shopping centers or malls that are external to the retail stores therein, are used by customers as a route of travel from one store to another, and consist primarily of walkways and seating arrangements; and

5. Lobby areas of hotels, motels, and other establishments open to the public for overnight accommodation.

For state law authority, see VA. CODE ANN. § 15.2-2831 (Repl. Vol. 2018) and §15.2-2821 (Repl. Vol. 2018).

[THE 1990 ACT adopted this section.]

[THE 1992 AMENDMENT added "tobacco warehouses or tobacco manufacturing facilities" at the end of item 2.]

[THE DECEMBER 7, 2009 AMENDMENT deleted "Bars and lounge areas" and "Restaurants . . . being used for private functions", and substituted "Private work places" for "Office or work areas which are not entered by the general public in the normal course of business or use of the premises", made slight grammatical changes and renumbered the remaining paragraphs.]

Sec. 16-20. Responsibility of building proprietors and managers.

Except as provided in §16-17.1, proprietors or persons who manage or otherwise control any building, structure, space, place, or area governed by this article in which smoking is not otherwise prohibited may designate rooms or areas in which smoking is permitted as follows:

1. Designated smoking areas shall not encompass so much of the building, structure, space, place or area open to the general public that reasonable no-smoking areas, considering the nature of the use and the size of the building, are not provided;

2. Designated smoking areas shall be separate to the extent reasonably practicable from those rooms or areas entered by the public in the normal use of the particular business or institution; and

3. In designated smoking areas, ventilation systems and existing physical barriers shall be used when reasonably practicable to minimize the permeation of smoke into no-smoking areas. However, this article shall not be construed as requiring physical modifications or alterations to any structure.

For state law authority, see VA. CODE ANN. §15.2-2827 (Repl. Vol. 2018).

[THE MARCH 17, 1997 ACT adopted this section.]

[THE DECEMBER 7, 2009 AMENDMENT added "Except as provided in §16-17.1" at the very beginning of this section, and made changes to the first sentence to make consistently plural.]

Sec. 16-21. Reserved.

Sec. 16-22. Posting of signs.

Any person who owns, manages, or otherwise controls any building or area in which smoking is regulated by this article shall post in an appropriate place, in a clear, conspicuous, and sufficient manner, "Smoking Permitted" signs, "No Smoking" signs, or "No-Smoking Section Available" signs.

For state law authority, see VA. CODE ANN. §15.2-2832 (Repl. Vol. 2018).

[THE 1990 ACT adopted this section.]

[THE 1992 AMENDMENT added "conspicuous to public view" at the end.]

[THE 1993 AMENDMENT inserted "ordinary" preceding "public view."]

[THE DECEMBER 7, 2009 AMENDMENT deleted "conspicuous to ordinary public view" from the end of the sentence.]

Sec. 16-23. Enforcement; penalty.

(a) Any person violating any provision of this article shall be subject to a civil penalty of not more than twenty-five dollars ($25.00).

(b) No person shall smoke in a designated no-smoking area and any person who continues to smoke in such area after being asked to refrain from smoking shall be subject to a civil penalty of not more than twenty-five dollars ($25.00).

(c) Any law-enforcement officer may issue a summons regarding a violation of this article or the Virginia Indoor Clean Air Act (VA. CODE ANN. §15.2-2820 et seq. (Repl. Vol. 2018)).

(d) Any civil penalties assessed under this section shall be paid into the treasury of Campbell County and shall be expended solely for public health purposes.

For state law authority, see VA. CODE ANN. §15.2-2833 (Repl. Vol. 2018) and §15.2-2822 (Repl. Vol. 2018).

[THE 1990 ACT adopted this section.]

[THE 1992 AMENDMENT added subsection (c).]

[THE DECEMBER 7, 2009 AMENDMENT added subsection (d).]

Sec. 16-24. Construction of article with respect to other applicable law.

Nothing in this article shall be construed to permit smoking where it is otherwise prohibited or restricted by other applicable provisions of law.

For state law authority, see VA. CODE ANN. §15.2-2821 (Repl. Vol. 2018).

[THE 1990 ACT adopted this section.]

[THE DECEMBER 7, 2009 AMENDMENT added "Nothing in" at the beginning of the section, deleted "not" preceding "be construed", and deleted "federal, state or local" preceding "law."]

Article X. Dangerous Use of Firearms.

Sec. 16-25. Reserved.

Sec. 16-26. Reserved.

[THE JULY 31, 2006 AMENDMENT, effective upon passage, repealed this section, which had prohibited the carrying of loaded weapons on or along public highways.]

Sec. 16-26.1. Prohibiting outdoor shooting of firearms in certain areas.

(a) In order to protect the public health, welfare, peace, and safety of its citizens the Board of Supervisors for the County of Campbell, Virginia, hereby finds and declares that those areas of Campbell County which are zoned for residential use are so heavily populated as to make the outdoor shooting of firearms therein dangerous to the inhabitants of such areas.

(b) Accordingly, it shall be unlawful for any person to shoot a firearm outdoors within residential zoning districts Residential-Single Family (R-SF), Residential-Multi Family (R-MF), and Residential-Manufactured Housing (R-MH) in Campbell County, except pursuant to §16-26.3 of this Code. For the purposes of this section, the word "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.

(c) Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed $500.

For state law authority, see VA. CODE ANN. §15.2-1209 (Repl. Vol. 2018) and VA. CODE ANN. §18.2-282 (Repl. Vol. 2014). For penalty provisions, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014) and §1-6 of this Code.

Editor's note: Due to the adoption of revised residential zoning classifications in Chapter 22 of this Code by the Board of Supervisors on March 5, 2007, internal references in this section to former residential zoning districts R-1 and R-2 were changed editorially to reflect the changes in the zoning

district names. Accordingly, "R-1 or R-2" was deleted following "residential" in (a), and "Residential-Single Family (R-SF), Residential-Multi Family (R-MF), and Residential-Manufactured Housing (R-MH)" was substituted for "R-1 and R-2" in the first sentence in (b). Furthermore, this ordinance's prohibition against outdoor shooting of firearms applies ***only*** in areas zoned R-SF, R-MF, and R-MH. Therefore, the requirement in the last paragraph in VA. CODE ANN. §15.2-1209 to provide an exemption for the killing of deer on land of at least five acres *that is zoned for agricultural use* does not apply as killing deer on A-1 zoned land is unrestricted. See also §16-26.3 of this Code for exemptions pursuant to valid DGIF permits.

[THE JULY 2, 2001 ACT adopted this section.]

[THE JULY 6, 2004 AMENDMENT, in (b), deleted "or air-operated or gas-operated weapon" following "firearm" in the first sentence, substituted "means any weapon that will or is designed . . . of a combustible material" for "shall mean any weapon in which ammunition may be used or discharged by explosion or pneumatic pressure" in the second sentence; and deleted the third sentence defining "ammunition"; and substituted "a fine not to exceed $500" for "penalties prescribed by §1-6 of this Code" in I.]

[THE JULY 5, 2005 AMENDMENT inserted "outdoor" in (a) and "outdoors" in the first sentence in (b)]

[THE DECEMBER 7, 2009 AMENDMENT inserted "except pursuant to §16-26.3 of this Code" in the first sentence of (b).]

Sec. 16-26.2. Regulation of pneumatic guns.

(a) As used in this section, "pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

(b) Pneumatic guns may be used at facilities approved for shooting ranges, or on or within private property with permission of the owner or legal possessor. Use thereof must be conducted with reasonable care to prevent a projectile from crossing the bounds of the property. "Reasonable care" means that the gun is being discharged so that the projectile will be contained on the property by a backstop, earthen embankment, or fence. The discharge of projectiles across or over the bounds of the property shall create the rebuttable presumption that the use of the pneumatic gun was not conducted with reasonable care.

(c) Minors shall be subject to the following additional regulations when shooting a pneumatic gun:

(1) Any minor below the age of 16 shall be supervised by a parent, guardian, or other adult supervisor, approved by a parent or guardian of such minor, and shall be responsible for obeying all laws, regulations, and restrictions governing the use thereof.

(2) Minors 16 years old and older must have the written consent of a parent or guardian and shall be responsible for obeying all laws, regulations, and restrictions governing the use thereof.

(3) Training of minors in the use of pneumatic guns shall be done only under direct supervision of a parent, guardian, Junior Reserve Officer Training Corps instructor, or a certified instructor. Training of minors above the age of 16 may also be done without direct supervision if approved by the minor's instructor, with the permission of and under the responsibility of a parent or guardian, and in compliance with all requirements of this section. Ranges and instructors may be certified by the National Rifle Association, a state or federal agency that has developed a certification program, any service of the Department of Defense, or any person authorized by these authorities to certify ranges and instructors.

(d) Any person violating the provisions of subsection (b) of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed $500. Any person violating any other provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed $250.

(e) Commercial or private areas designated for use of pneumatic paintball guns may be established and operated for recreational use, in accordance with the zoning ordinance and other applicable ordinances, statutes, and regulations. Equipment designed to protect the face and ears shall be provided to participants at such recreational areas, and signs must be posted to warn against entry into the paintball area by persons who are unprotected or unaware that paintball guns are in use.

For state law authority, see VA. CODE ANN. §15.2-915.4 (Repl. Vol. 2018). For penalty provisions, see also VA. CODE ANN. §18.2-11 (Repl. Vol. 2014) and §1-6 of this Code.

[THE JULY 6, 2004 ACT adopted this section.]

[THE DECEMBER 6, 2011 AMENDMENT added "except as permitted below" to (b), and "or on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property" to the end of subsection (g).]

[THE DECEMBER 5, 2017 AMENDMENT rewrote the section and removed all restrictions by zoning district.]

Sec. 16-26.3. Exceptions to prohibition against outdoor shooting of firearms in certain areas.

The prohibitions against outdoor shooting of firearms within residential zoning districts Residential-Single Family (R-SF), Residential-Multi Family (R-MF), and Residential-Manufactured Housing (R-MH) in Campbell County shall not apply to bona fide homeowners' associations in possession of a valid permit issued by the Department of Game and Inland Fisheries permitting

killing of deer, elk or bear pursuant to VA. CODE ANN. §29.1-529 (Repl. Vol. 2015) on parcels of property that are equal to or larger than five (5) acres and owned by the homeowners' association or on parcels of property that are equal to or larger than five (5) acres and owned by an individual residing within the subdivision governed by the same homeowners' association with the written permission of that individual landowner. The homeowners' association shall assume all liability and is responsible for following directives of the Department of Game and Inland Fisheries and complying with all applicable law.

For state law authority, see VA. CODE ANN. §15.2-1209 (Cum. Supp. 2018), VA. CODE ANN. §29.1-529 (Repl. Vol. 2015).

[THE DECEMBER 7, 2009 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT added "elk" to the first sentence.]

Article XI. Reserved.

Sec. 16-27. Reserved.

Editor's note. The former Section 16-27, requiring that an applicant for a concealed weapon permit submit to fingerprinting, was repealed effective July 1, 2012 as a result of the state repeal of the enabling statute, former VA. CODE ANN. §15.2-915.3, and the amendment of VA. CODE ANN. §18.2-308 (Cum. Supp. 2018).

Article XII. Reserved.

Sec. 16-28. Reserved.

Editor's note: The July 5, 2005 amendment redesignated the former provisions of this section as present §16-4.1, without substantive change, leaving this article as a reserved article.

Sec. 16-29. Reserved.

Article XIII. DUI Incidents and Other Traffic Incidents.

Sec. 16-30. Reimbursement of expenses incurred in responding to DUI incident and other traffic incidents.

(a) Any person who is convicted of a violation of any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable to Campbell County or to any responding volunteer fire company or department or volunteer emergency medical services agency, or both, for restitution of reasonable expenses incurred by the County of Campbell for responding law enforcement, firefighting, and emergency medical services, including those incurred by the Sheriff's Office of Campbell County, or by any volunteer fire or volunteer emergency medical

services agency, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation. Any person who is convicted of a violation of any of the following provisions shall at the time of sentencing or in a separate civil action, be liable to the locality or to any responding volunteer fire or volunteer emergency medical services agency, or both, for restitution of reasonable expenses incurred by the locality when issuing any related arrest warrant or summons, including the expenses incurred by the Campbell County Sheriff's Office, or by any volunteer fire or volunteer emergency medical services agency, or by any combination of the foregoing:

(1) The provisions of VA. CODE ANN. §§18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, §29.1-738, 29.1-738.02, or 46.2-341.24, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;
(2) The provisions of Article 7 (VA. CODE ANN. §46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
(3) The provisions of Article 1 (VA. CODE ANN. §46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and
(4) The provisions of VA. CODE ANN. §46.2-894 relating to improperly leaving the scene of an accident.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection (a) shall not exceed $1,000 in the aggregate for a particular accident, arrest, or incident occurring in Campbell County. In determining the "reasonable expenses," the County may bill a flat fee of $350. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, and emergency medical services. The court may order as restitution the reasonable expenses incurred by Campbell County for responding law enforcement, fire-fighting, and emergency medical services.

(c) Neither the provisions of this section nor of VA. CODE ANN. §15.2-1716 (Repl. Vol. 2018) shall preempt or limit any remedy available to the Commonwealth, to the County of Campbell, or to any volunteer emergency medical services agency to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth in VA. CODE ANN. §15.2-1716 (Repl. Vol. 2018).

For state law authority, see VA. CODE ANN. §15.2-1716 (Repl. Vol. 2018).

[THE JUNE 17, 2002 ACT adopted this section.]

[THE JULY 6, 2004 AMENDMENT rewrote (a), adding paragraphs (1) to (4); rewrote first and second sentences in (b), using language formerly included in (a) and raising the amount of the flat fee from $100 to $250, and also added last sentence in (b); and, in (c), substituted "driving, operation of a vehicle or other conduct" for "driving or operation of a vehicle."]

[THE JULY 5, 2005 AMENDMENT, in the introductory paragraph of (a), inserted "including by the Sheriff's Office of Campbell County" and "fire or" and substituted "by any combination of the foregoing" for "both"; and inserted "18.2-266.1" and "29.1-738.02" in (a)(1).]

[THE DECEMBER 4, 2006 AMENDMENT, in the introductory language in (a), substituted "for restitution at the time of sentencing" for "in a separate civil action," inserted "to Campbell County or to any responding volunteer fire or rescue squad, or both," and also inserted "for responding law enforcement, firefighting, rescue and emergency services"; in (b), deleted "or a minute by minute accounting of the actual costs incurred" at the end of the second sentence and inserted "responding law enforcement" in the fourth sentence.]

[THE DECEMBER 7, 2009 AMENDMENT deleted "be liable for restitution" following "provisions shall," inserted "be liable," "restitution of" and "those incurred" and added the last sentence in subsection (a), inserted "18.2-36.1" and "or 46.2-341.24" in subsection (a)(1); and inserted "arrest" and "pursuant to subsection (a)" in the first sentence of (b).]

[THE DECEMBER 6, 2010 AMENDMENT substituted "$350" for $250" in the second sentence of subsection (b).]

[THE DECEMBER 1, 2015 AMENDMENT inserted "company or department" after "fire" in the first sentence of (a), substituted "volunteer emergency medical services agency" for "rescue squad" four times in (a) and once in (c), and made related stylistic changes.]

Sec. 16-31. Reserved.

Article XIV. Terrorism and Terrorism Hoax Offenses.

Sec. 16-32. Reimbursement of expenses incurred in responding to terrorism hoax incident, bomb threat, or malicious activation of fire alarm.

(a) Any person who is convicted of a violation of subsection B or C of VA. CODE ANN. §18.2-46.6 (Repl. Vol. 2014), a felony violation of VA. CODE ANN. §18.2-83 (Repl. Vol. 2014) or VA. CODE ANN. §18.2-84 (Repl. Vol. 2014), or a violation of VA. CODE ANN. §18.2-212 (Cum. Supp. 2018), 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 of Campbell 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.

(b) As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, and emergency medical services.

(c) Neither the provisions of this section nor of VA. CODE ANN. §15.2-1716.1 (Repl. Vol. 2018) shall preempt or limit any remedy available to the Commonwealth, to the County of Campbell, 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 VA. CODE ANN. §18.2-83 (Repl. Vol. 2014), VA. CODE ANN. §18.2-84 (Repl. Vol. 2014), or VA. CODE ANN. §18.2-212 (Cum. Supp. 2018) as set forth herein.

For state law authority, see VA. CODE ANN. §15.2-1716.1 (Repl. Vol. 2018).

[THE JUNE 17, 2002 ACT adopted this section, effective on July 1, 2002.]

[THE JULY 5, 2005 AMENDMENT, in (a), inserted "at the time of sentencing or" in the first sentence and substituted "$250" for "$100" in the second sentence.]

[THE DECEMBER 1, 2015 AMENDMENT substituted "emergency medical services agency" for "rescue squad" in (a) and (c), and deleted "rescue" after "firefighting" in (b).]

[THE DECEMBER 6, 2016 AMENDMENT added "or of a felony violation of VA. CODE ANN. §18.2-83 (Repl. Vol. 2014) or VA. CODE ANN. §18.2-84 (Repl. Vol. 2014)" in the first sentence of (a) and repeated the cross reference in the last sentence of (c).]

[THE DECEMBER 5, 2017 AMENDMENT included violations of VA. CODE ANN. §18.2-212 (Cum. Supp. 2017) in (a) and (c) and substituted "$2,500" for $1,000" in (a).]

Sec. 16-33. Reserved.

Article XV. Airport Security.

Sec. 16-34. Reserved.

Editor's note**:** By Chapter 894 of the 2004 Acts of Assembly the legislature enacted VA. CODE ANN. §18.2-287.01 (Cum. Supp. 2018), effective July 1, 2004, prohibiting the possession or transportation into any air carrier airport terminal of any guns, ammunition, or other dangerous weapons, including explosives, tasers, stun weapons, etc., subject to certain exceptions for specified law enforcement personnel and for such items in checked luggage. The statute specifically provides that any other statute, rule, regulation, or ordinance specifically addressing the possession or transportation of weapons in any airport in the Commonwealth shall be invalid, and VA. CODE ANN. §18.2-287.01 shall control. Accordingly, §16-34 of the County Code is superseded.

[THE JULY 6, 2004 AMENDMENT repealed this section.]

Article XVI. Jail Processing Fees.

Sec. 16-35. Processing fee to be imposed on certain individuals.

(a) The Board of Supervisors hereby imposes a processing fee of twenty-five dollars ($25.00) on any individual admitted to a county or regional jail following conviction.

(b) The fee shall be ordered as a part of court costs collected by the clerk, deposited into the account of the Treasurer of Campbell County and shall be used by the Campbell County Sheriff's Office to defray the costs of processing arrested persons into local or regional jails.

For state law authority, see VA. CODE ANN. §15.2-1613.1 (Repl. Vol. 2018).

[THE DECEMBER 2, 2002 ACT adopted this section.]