

CAMPBELL COUNTY CODE OF 1988

CHAPTER 16

OFFENSES—MISCELLANEOUS

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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 §18.2-27](#) and [Va. Code §15.2-1200](#).

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 §18.2-57](#) and [Va. Code §15.2-1200](#). For penalties for misdemeanors, see [§1-6](#) of this Code and [Va. Code §18.2-11](#).

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 one thousand dollars (\$1,000.00) shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 misdemeanor.

For state law authority, see [Va. Code §18.2-96](#) and [Va. Code §15.2-1200](#). For penalties for misdemeanors, see [§1-6](#) of this Code and [Va. Code §18.2-11](#).

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 §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 §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 §18.2-132](#) through [§18.2-136](#).

For state law authority, see [Va. Code §18.2-119](#), and [Va. Code §15.2-1200](#) and [§15.2-1218](#). For penalties for misdemeanors, see [§1-6](#) of this Code and [Va. Code §18.2-11](#).

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 §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 §15.2-1717.1](#), [Va. Code §15.2-1218](#) and [Va. Code §18.2-119](#).

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 one thousand dollars (\$1,000.00). If the value of or damage to the property is one thousand dollars (\$1,000.00) or more, then the

violation shall be prosecuted under [Va. Code §18.2-137](#) 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 §18.2-137](#), and [Va. Code §15.2-1200](#). For penalties for misdemeanors, see [§1-6](#) of this Code and [Va. Code §18.2-11](#).

Article IV. Crimes Involving Fraud.

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 §18.2-212](#). For penalties for misdemeanors, see [§1-6](#) of this Code and [Va. Code §18.2-11](#).

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

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 (\$15.00) 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 §18.2-223](#) and [§18.2-224](#).

Article V. Crimes Involving Health and Safety.

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 one hundred dollars (\$100.00), which fine shall be paid into the general fund of the County.

For state law authority, see [Va. Code §15.2-1200](#).

Division B. Drugs.

Sec. 16-8. Reserved.

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 §18.2-248](#) or [Va. Code §18.2-248.03](#) 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 §15.2-1716.2](#).

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 five hundred dollars (\$500.00).

For state law authority, see [Va. Code §18.2-317](#) and [§18.2-318](#).

Division D. Excessive Noise and Sound.

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.

For general authority of counties to secure and promote the health, safety, and general welfare of inhabitants, see [Va. Code §15.2-1200](#). See also [Va. Code §15.2-2288.3](#).

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.

E1. **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 “autocycle,” “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 §46.2-100](#).

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.

For related state law, see [Va. Code §15.2-919](#). For additional definitions, see [Va. Code §46.2-100](#).

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.

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.

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.

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.

[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”.

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:

	<u>Sound Level in dBA</u>	
	<u>Speed Limit 35 MPH or less</u>	<u>Speed Limit Over 35 MPH</u>
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 §15.2-1200](#) and [Va. Code §15.2-919](#).

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.

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 §15.2-917](#).

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 one hundred dollars (\$100.00).

B. Each day of violation of any provision of this Division shall constitute a separate offense.

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.

For state law authority, see [Va. Code §15.2-1200](#).

Article VI. Crimes Against Peace and Order.

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

A. 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:

1. In any street, highway, public building, or while in or on a public conveyance, or while in a 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

2. 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

3. 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.

B. The conduct prohibited under subdivision (a) 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.

C. 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.

D. The provisions of this section shall not apply to any elementary or secondary school student if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus as defined in [Va. Code §46.2-100](#), or at any activity conducted or sponsored by any elementary or secondary school.

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

For state law authority, see [Va. Code §18.2-415](#). For penalties for misdemeanors, see §1-6 of this Code and [Va. Code §18.2-11](#).

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 §18.2-416](#) and [Va. Code §15.2-1200](#). For penalties for misdemeanors, see §1-6 of this Code and [Va. Code §18.2-11](#).

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 §18.2-429\(A\)](#) and [Va. Code §15.2-1200](#). For penalties for misdemeanors, see §1-6 of this Code and [Va. Code §18.2-11](#).

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 communicate but with intent to annoy, harass, hinder or delay emergency personnel in the performance of their duties as such, causes a telephone to ring or other device to signal, which is owned or leased for the purpose of receiving emergency communications by a public or private entity providing fire, police or emergency medical services, and any person who knowingly permits the use of a telephone or other device 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 communications” means a communication in any form using any device transmitting electronic, radio, wireless or other similar signals, which communication is made to report a fire or summon police, or to summon 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 §10.1-1135](#), and emergency medical services personnel.

For state law authority, see [Va. Code §18.2-429\(B\)](#), [§18.2-426](#), and [Va. Code §15.2-1200](#). For penalties for misdemeanors, see [§1-6](#) of this Code and [Va. Code §18.2-11](#).

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.

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 §18.2-430](#) and [Va. Code §15.2-1200](#).

Sec. 16-11.5. Operation of gambling devices at unregulated locations; civil penalty.

A. In addition to any other penalty provided by law, any person who conducts, finances, manages, supervises, directs, sells, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000 for each gambling device located in such unregulated location.

B. The Attorney General, an attorney for the Commonwealth, or the attorney for any locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to immediately enjoin the operation of a gambling device in violation of this section and to request an attachment against all such devices and any moneys within such devices pursuant to Chapter 20 (§ 8.01-533 et seq.) of Title 8.01, and to recover the civil penalty of up to \$25,000 per device.

C. In any action brought under this section, the Attorney General, the attorney for the Commonwealth, or the attorney for the locality may recover reasonable expenses incurred by the state or local agency in investigating and preparing the case, and attorney fees.

D. Any civil penalties assessed under this section in an action in equity brought in the name of the Commonwealth shall be paid into the Literary Fund. Any civil penalties assessed under this section in an action in equity brought in the name of a locality shall be paid into the general fund of the locality.

For state law authority, see [Va. Code §18.2-331.1](#).

Sec. 16-11.6. Definitions for offenses under §16-11.5 of this Code.

A. “Illegal gambling” means the making, placing, or receipt of any bet or wager in the Commonwealth of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to occur inside or outside the limits of the Commonwealth.

For the purposes of this subdivision and notwithstanding any provision in this section to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in subdivision 3 b, regardless of whether the chance to win such prize, stake, or other consideration or thing of value may be offered in the absence of a purchase.

“Illegal gambling” also means the playing or offering for play of any skill game.

B. “Interstate gambling” means the conduct of an enterprise for profit that engages in the purchase or sale within the Commonwealth of any interest in a lottery of another state or country whether or not such interest is an actual lottery ticket, receipt, contingent promise to pay, order to purchase, or other record of such interest.

C. “Gambling device” includes:

1. Any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in an illegal gambling operation or activity;

2. Any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled, provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape, or color, shall not be deemed gambling devices within the meaning of this subsection; and

3. Skill games. Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

D. “Operator” includes any person, firm, or association of persons, who conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling enterprise, activity, or operation.

E. “Skill” means the knowledge, dexterity, or any other ability or expertise of a natural person.

F. “Skill game” means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is made automatically from the device or manually. “Skill game” includes (i) a device that contains a meter or measurement device that records the number of free games or portions of games that are rewarded and (ii) a device designed or adapted to enable a person using the device to increase the chances of winning free games or portions of games by paying more than the amount that is ordinarily required to play the game. “Skill game” does not include any amusement device, as defined in § 18.2-334.6.

E. “Unregulated location” means any location that is not regulated or operated by the Virginia Lottery or Virginia Lottery Board, the Department of Agriculture and Consumer Services, the Virginia Alcoholic Beverage Control Authority, or the Virginia Racing Commission.

For state law authority, see [Va. Code §18.2-325](#).

Article VII Crimes Against the Administration of Justice.

Sec. 16-12.1. 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 §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 §3.2-6555](#), he is guilty of a Class 1 misdemeanor.

B. Except as provided by [Va. Code §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 §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 §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 §18.2-460](#) and [Va. Code §15.2-1200](#). For penalties for misdemeanors, see [§1-6](#) of this Code and [Va. Code §18.2-11](#).

Sec. 16-12.2. 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, (ii) to knowingly, with the intent to mislead a law-enforcement agency, cause another to give a false report to any law-enforcement official by publicly simulating a violation of [Va. Code §18.2-30 et seq.](#) or [Va. Code §18.2-77 et seq.](#); or (iii) 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 §18.2-461](#) and [Va. Code §15.2-1200](#). For penalties for misdemeanors, see [§1-6](#) of this Code and [Va. Code §18.2-11](#).

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

Sec. 16-13.1. Definitions.

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

“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.

“Game” means wild animals and wild birds that are commonly hunted for sport or food.

“Game animals” means deer (including all Cervidae), bear, rabbit, fox, squirrel, bobcat and raccoon.

“Hunting and trapping” means 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 Wildlife Resources 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 §29.1-526](#). For state law basis for definitions, see [Va. Code §29.1-100](#).

Sec. 16-13.2. 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.

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 §29.1-526](#). See also [Va. Code §15.2-1209.1](#).

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 §18.2-286](#). For state law prohibiting shooting from vehicles so as to endanger persons, see [Va. Code §18.2-286.1](#).

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 §15.2-1209](#). For state law authorizing localities to regulate the use of pneumatic guns, see [Va. Code §15.2-915.4](#). 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 §15.2-916](#). For state law authorizing counties to prohibit hunting near public schools and/or public parks, see [Va. Code §29.1-527](#).

Sec. 16-13.3. 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).

For state law authorizing punishment as a misdemeanor, see [Va. Code §29.1-526](#). As to penalties for misdemeanors, see [Va. Code §18.2-11\(C\)](#).

Sec. 16-14. Reserved.

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 [Va. Code §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 §15.2-2820](#).

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 §15.2-2823](#).

Sec. 16-17. “No smoking” areas.

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

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

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

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

D. Hospital emergency rooms;

E. Local or district health departments;

F. Polling rooms;

G. Indoor service lines and cashier areas;

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

I. The interior of a child day center licensed pursuant to [Va. Code §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;

- J. Public restrooms of health care facilities;
- K. School buses and public conveyances.

For state law authority, see [Va. Code §15.2-2824](#) and [§15.2-2829](#).

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.

7. Any portion of a facility licensed to conduct casino gaming pursuant to state code. Any restaurant within a facility licensed to conduct casino gaming shall comply with the provisions of this section.

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 twenty-five dollars (\$25.00).

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 twenty-five dollars (\$25.00).

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 [Va. Code §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 §15.2-2825](#).

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 §15.2-2823](#), [§15.2-2824](#) and [§15.2-2825](#). See also [Va. Code §15.2-2831](#) and [§15.2-2832](#).

Sec. 16-19. Exceptions.

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

- A. Retail tobacco stores, tobacco warehouses or tobacco manufacturing facilities;
- B. Conference or meeting rooms and public or private assembly rooms while these places are being used for private functions;
- C. Private work places;
- D. 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
- E. Lobby areas of hotels, motels, and other establishments open to the public for overnight accommodation.

For state law authority, see [Va. Code § 15.2-2831](#) and [§15.2-2821](#).

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:

A. 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;

B. 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

C. 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 §15.2-2827](#).

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 §15.2-2832](#).

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 §15.2-2820 et seq.](#)).

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 §15.2-2833](#) and [§15.2-2822](#).

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 §15.2-2821](#).

Article X. Use of Firearms.

Sec. 16-25. No regulation of firearms on county property.

Pursuant to [Va. Code §15.2-915](#) (E) and (F), the County *may* prohibit the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof in certain County-owned properties. The County chooses not to exercise this authority.

Sec. 16-26. Reserved.

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 five hundred dollars (\$500.00).

For state law authority, see [Va. Code §15.2-1209](#) and [Va. Code §18.2-282](#). For penalty provisions, see [Va. Code §18.2-11](#) and [§1-6](#) of this Code.

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 sixteen (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 sixteen (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 sixteen (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 five hundred dollars (\$500.00). 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 two hundred fifty dollars (\$250.00).

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 §15.2-915.4](#). For penalty provisions, see also [Va. Code §18.2-11](#) and [§1-6](#) of this Code.

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 Wildlife Resources permitting killing of deer, elk or bear pursuant to [Va. Code §29.1-529](#) 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 Wildlife Resources and complying with all applicable law.

For state law authority, see [Va. Code §15.2-1209](#), [Va. Code §29.1-529](#).

Article XI. Reserved.

Sec. 16-27. Reserved.

Article XII. Reserved.

Sec. 16-28. Reserved.

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 §§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 §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 §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 §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 one thousand dollars (\$1,000.00) 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 three hundred fifty dollars (\$350.00). 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 §15.2-1716](#) 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 §15.2-1716](#).

For state law authority, see [Va. Code §15.2-1716](#).

[Sec. 16-31. Reserved.](#)

Article XIV. Terrorism and Terrorism Hoax Offenses, Falsely Summoning Emergency Personnel.

[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 §18.2-46.6](#), a felony violation of [Va. Code §18.2-83](#) or [Va. Code §18.2-84](#), a violation of [Va. Code §18.2-212](#), or a violation of [Va. Code §18.2-461.1](#), 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 \$2,500.00 in the aggregate for a particular incident occurring in the County. In determining the “reasonable expense,” the County may bill a flat fee of two hundred fifty dollars (\$250.00) 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 §15.2-1716.1](#) 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 §18.2-83](#), [Va. Code §18.2-84](#), [Va. Code §18.2-212](#), or [Va. Code §18.2-461.1](#) as set forth herein.

For state law authority, see [Va. Code §15.2-1716.1](#).

[Sec. 16-33. Reserved.](#)

Article XV. Airport Security.

[Sec. 16-34. Reserved.](#)

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 §15.2-1613.1](#).