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Chapter Eleven

Miscellaneous Offenses and Penalties Therefore



Article One

Offenses Against The Peace; Penalties

11-101. Assault and battery.

No person shall within the corporate limits of the town unlawfully attempt to commit a violent injury to the person of another or unlawfully commit an act which places another in reasonable apprehension of immediately receiving a violent injury; or unlawfully and intentionally make physical contact of an insulting or revoking nature with the person of another, or unlawfully and intentionally cause physical harm to another person; or provoke another to commit any act prohibited by this section; or aid and abet or encourage anyone to commit any act prohibited by this section.

(See West Virginia Code 61-2-9(b,c); Section amended 1989)

11-102. Threats of violence or contention.

No person within the town shall or threaten to beat, wound, or kill another, or commit violence against his person or property.

West Virginia Code

11-103. Disturbing the peace.

No person shall commit or cause, or aid in the commission or causing of, any riot, disorder, tumult, offensive or obstreperous CONduCt, or any loud or boisterous noise to the disturbance or tending to the disturbance of the peace or just quiet of others, or shall by any means disturb the citizens of the town at any time; and no person shall knowingly permit such conduct, noise, or disturbance upon any premises owned or possessed by him or under his control.

11-104. Rude, indecent, or insulting behavior.

No person shall conduct or behave himself in a rude, indecent, or disorderly manner; or abuse or insult any person by words or otherwise: or improperly follow, pursue, lay hands onr Or otherwise insult any person; or attempt to do so; in any road, street, alley, or any public place within the town.

11-105. Penalties for Sections 11-101 through 11-104.

Any person offending against any provision of the preceding sections of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five nor more than one hundred dollars, or may, at the discretion of the court, be imprisoned not to exceed thirty days, or both such fine and imprisonment.

(See West Virginia Code 61-6-13; Section amended 1989)

11-106. Disturbance of school, meeting, or festival; penalties.

It shall be unlawful for any person within the corporate limits of the town to willfully and unlawfully interrupt, molest, or disturb any free school, or other school; a school exhibition; or any literary society or any other society or meeting formed or convened for intellectual, social, or moral improvement or for improvement in music, either vocal or instrumental, or for any moral or social amusement; or any other social activity organized or carried on under or in pursuance of the laws of this state; or any Fourth of July celebration, Or any festival; or any society lawfully carried on. Any person offending against any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten nor more than fifty dollars and may, at the discretion of the court, be confined in jail not more than thirty days in addition to such fine.

(See West Virginia Code 61-6-14; Section amended 1989)

11-107. Disturbance of religious meeting; penalties.

If any person willfully and unlawfully interrupt, molest, or disturb any assembly of people lawfully met for the worship of God or convened for the purpose of any recognized religious function, within the corporate limits of the town, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not more than thirty days and fined not less than twenty-five nor more than one hundred dollars.

(See West Virginia Code 6-6-13; Section amended 1989)

11-108. Carrying concealed weapons.

- A. Definitions: The definitions of the terms "blackjack", "gravity knife", "knife", "switchblade knife", "nunchaku", "metallic" or false knuckles", "pistol", "revolver", ', 'deadly weapon', "concealed" and "firearm", as they are defined by West Virginia Code Chapter 61, Article 7, Section 2 are hereby adopted and incorporated into these Town Ordinances as if they were set out herein in their entirety and the said definitions shall apply wherever any such term is used within the said Town Ordinances unless otherwise provided for therein.
- B. It shall be unlawful for any person, within the corporate limits of the town, without a valid state license or other lawful authorization established by the

provisions of the West Virginia Code, as amended, or the provisions of the Constitution of the United States of America, or the provisions of the Constitution of the State of West Virginia, to carry concealed any firearm, revolver, pistol, gravity knifer knife, switchblade knife, nunchaku, metallic or false knuckles, or any other deadly weapon of like kind or character. Any person convicted of offending against the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof shall be fined in an amount not to exceed two hundred dollars and may be confined in jail for a period of not more than thirty days, or both so fined and jailed. None of the provisions of this section shall be so construed as to prevent any bonded officer charged with the execution of the laws of the state or of the ordinances of this town from carrying any of said weapons while in the performance of his duties as such officer.

(See West Virginia Code 61-7-3; Section amended 1989)

11-109. Brandishing deadly weapons, penalties.

- A. It shall be unlawful for any p2erson armed with a firearm, revolver, pistol, or other deadly weapon, whether licensed to carry the same or not, to carry, brandish, or use such weapon in a way or manner to cause, or threaten, a breach of the peace within the corporate limits of the town. Any person violating this section shall be fined not less than fifty nor more than three hundred dollars, or confined in jail for a period not to exceed thirty days, or both so fined and jailed, in the discretion of the court.
- B. It shall be unlawful for any person armed with a firearm, revolver, pistol, or other deadly weapon within the corporate limits of the town, except for law-enforcement officers in the lawful performance of their duty to brandish or unholster, or hold such deadly weapon in his or her hand in or upon the premises of any business within the town or in or upon the premises of any building within which any of the offices of the town government are maintained.

(See West Virginia Code 61-7-11; Section amended 1989)

11-109A. Weapons Prohibited in Municipal Buildings.

A. Legislative Intent.

The Town Council finds that municipal buildings are locations where citizens must conduct essential civic business, and that reasonable, lawful restrictions are necessary to protect public safety while respecting rights secured by state and federal law.

B. Prohibition.

Except as provided in subsection (c) of this section, no person shall possess, carry, or bring any firearm, whether concealed or openly carried, or any other deadly weapon, into any municipal building owned, leased, or occupied by the Town of Sutton.

C. Exceptions.

This section shall not apply to the following persons or circumstances:

1. Law enforcement officers acting within the lawful performance of their official duties;
2. Persons expressly authorized by state law to carry firearms or deadly weapons in municipal buildings; or
3. Temporary possession necessary for lawful surrender, storage, or transfer of a firearm or weapon as directed by law enforcement.

D. Notice of Requirement.

This prohibition shall be enforceable only at municipal buildings where the Town has provided notice and signage in compliance with applicable provisions of the West Virginia Code.

E. Enforcement and Penalties.

A violation of this section shall constitute a civil offense. Enforcement may include removal of the individual from the municipal building and the imposition of any civil penalties authorized by state law and municipal ordinance. This section shall be enforced as a zero-tolerance safety policy, to the fullest extent permitted by law.

F. Construction.

This section shall be construed and enforced consistently with West Virginia firearm preemption statutes. Nothing in this section shall be interpreted to apply where state law expressly prohibits municipal regulation.

11-110. Obstructing an officer, penalties.

If any person within the corporate limits of the town by threat, menace, act or otherwise forcibly or illegally attempt to hinder, resist, oppose, or obstruct any police officer of the town in the lawful execution of his duty or in the lawful execution of any power or authority required of or granted to such officer by law or by any ordinance of this town, or shall so resist the Mayor or the Recorder or any member of the council in exercising powers conferred by Chapter Two of this code, or shall aid, abet, or assist any other person in so resisting or obstructing any such officer or officers, he shall be

guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than five nor more than one hundred dollars and costs of prosecution of every such offense, and may at the discretion of the court be confined in jail not to exceed thirty days in addition to such fine.

(See West Virginia Code 61-5-17; Section amended 1989)

11-111. Removing offender from custody, penalties.

If any person shall rescue, or assist, or attempt to rescue, or take from the custody of the chief or any police officer of the town any person charged with or convicted of any offense against any ordinance of said town, or shall rescue or attempt to rescue or assist in the escape of such offender from any guard or person charged with his safe keeping, or aid and abet therein, he shall, upon conviction, be fined not less than five nor more than one hundred dollars and may in addition thereto be confined in jail not to exceed thirty days.

11-112. Interfering with arrest, refusing assistance; penalties.

If any person on being requested, directed, or required by the Mayor or other person acting in his stead, or by the chief of police or any police officer, or by the Recorder or any member of the council of said town to arrest or assist in the arrest or conveyance to jail of any person charged with offending against the ordinances of said town or the laws of the State of West Virginia, shall neglect or refuse such assistance, or if any person shall crowd around such officer or policeman when directing or making an arrest or annoy him in such manner as to attract attention or disturb him in the discharge of his duties, such person so offending shall, upon conviction thereof, be fined not to exceed fifty dollars.

(See West Virginia Code 61-5-14; Section amended 1989)

11-113. Bribery for concealment of offense, penalties.

If a person, knowing of the commission of an offense punishable under any of the provisions of the ordinances of this town, take any money or reward, or any engagement therefor, upon an agreement, expressed or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence thereof, he shall be fined not exceeding one hundred fifty dollars, and may, in addition thereto, in the discretion of the court, be jailed for a period not exceeding twenty days, or both so fined and jailed.

Any police officer of the town convicted under the provisions of this section shall be discharged from the police department.

11-114. Impersonating a government officer or employee, penalties.

No person other than an official police officer of the Town of Sutton shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the town.

Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. Any person offending against the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed one thousand dollars or confined in jail not to exceed thirty day#r Or both such fine and imprisonment, in the discretion of the court.

Article Two

Offenses Against Morality and Decency; Penalties

11-201. Profanity, penalties.

No person shall use any profane, vulgar, or indecent language in or near any public street or other public place or in or around any place of business open to use of the public in general. Any person offending against the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five nor more than fifty dollars.

(See West Virginia Code 61-8-15, Section amended 1989)

11-202. Immoral conduct, penalties.

No person shall commit, offer or agree to commit, nor shall any person secure or offer another for the purpose of committing, a lewd or adulterous act or act of prostitution or moral perversion; nor shall any person knowingly transport or direct or offer to transport or direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion, nor shall any person knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act or an act of prostitution or moral perversion, or knowingly permit any person to remain in any place or building for any such purpose. Any person offending against the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed one thousand dollars or confined in jail not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court.

(See West Virginia Code 61-8-5; Section amended 1989)

11-203. Indecent exposure penalties.

It shall be unlawful for any person within the corporate limits of the town to intentionally expose his or her sex organs or anus, or the sex organs or anus of another person, or engage in any overt act of sexual gratification, under circumstances in which the person so acting knows that his or her conduct is likely to cause affront or alarm to another person: provided, that it is not considered indecent exposure for a mother to breast feed a child in any location, public or private. Any person offending against the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty-five nor more than one hundred dollars, and may, in the discretion of the court, in addition to such fine be confined in jail not to exceed thirty days.

For the purposes of this section, the term "sex organs" shall be defined so as to include the male penis, the female vagina, the pubic hair of either sex, and the breasts of a female.

(See West Virginia Code 61-8-9; Section amended 2022)

11-204. Obscene literature, etc.; penalties.

(Section deleted on constitutionality grounds 1989.)

11-205. Public assembly for indecency etc.; penalties.

(deleted on constitutionality grounds 1989.)

11-206. Disorderly house, penalties.

It shall be unlawful for any person to keep a disorderly house or house of ill fame for the purpose of prostitution of lewdness or where drunkenness, quarrelling, fighting, or other breaches of the peace are carried on or permitted to the disturbance of others. Any person offending against the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than twenty-five nor more than one hundred dollars and may also in the discretion of the court, be confined in jail not to exceed thirty days.

11-207. Houses of ill fame and assignation penalties.

(a) Any person who shall keep, set up, maintain, or operate any house, place, building, hotel, tourist camp, other structure, or part thereof, or vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, Or assignation; or who shall own any place, house, hotel, tourist camp, other structure, or part thereof, or trailer or other conveyance knowing the same to be used for the purpose of prostitution, lewdness, or assignation, or who shall let, sublet, or rent any such place, premises, or conveyance to another with knowledge or good reason to know of the intention of the lessee or renter to use such placer premises, or conveyance for prostitution, lewdness, or assignation; or who shall offer, or offer to secure, another for the purpose of prostitution, or for any other lewd or indecent act; or who shall receive or offer or agree to receive any person into any house,place, building, hotel, tourist camp, or other structure, or vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness or assignation, or to permit any person to remain there for such purpose; or who for another or others shall direct, take, or transport, Or Offer or agree to take or transport, or aid or assist in transporting, any person to any house, place, building, hotel tourist Camp, other structure, vehicle, trailer other

conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution lewdness, or assignation, or who shall aid, abet, or participate in the doing of any acts here prohibited, shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than two hundred fifty dollars and may, in the discretion of the Court be imprisonment in jail for a period of up to thirty days.

(b) Any person who shall engage in prostitution, lewdness, Or assignation, or who shall solicit, induce, entice, or procure another to commit an act of prostitution, lewdness, or assignation; or who shall reside in, enter, or remain in any house, place, building , hotel, tourist camp, or other structure, or enter or remain in any vehicle, trailer, or other conveyance for the purpose of prostitution lewdness, or assignation; or who shall reside in, enter, or remain in any house, place, building, hotel, tourist camp, or other structure, or enter or remain in any vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation; or who shall aid, abet, or participate in the doing of any of the acts herein prohibited shall, upon conviction for the first offense under this section, be punished by a fine of not less than fifty dollars not more than two hundred fifty dollars, and may be jailed for a period of not less than thirty days, or both so fined and jailed.

(c) All leases and agreements, oral or written, for letting, subletting, or renting any house, place, building, hotel, tourist camp, or other structure which is used for the purpose of prostitution, lewdness, or assignation, shall be void from and after the date any person who is a party to such an agreement shall be convicted of an offense hereunder. The term "tourist camp" shall include any temporary or permanent buildings, tents, cabins or structures, or trailers, or other vehicles which are maintained, offered, or used for dwelling or sleeping quarters for pay.

(d) In the trial of any person, charged with a violation of any of the provisions of this section, testimony concerning the reputation or character of any house, place, building, hotel, tourist camp, or other structure, and of the person or persons who reside in or frequent the same, and of the defendant or defendants, shall be admissible in support of the charge.

(See West Virginia Code 61-8-5; Section amended 1989)

11-208. Public fornication; penalties.

If any person commit adultery or fornication in any public place he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five nor more than fifty dollars.

(See West Virginia Code 61-8-3; Section amended 1989)

Article Three

Offenses Against Property; Penalties

11-301. Damage to public trees prohibited.

It shall be unlawful for any person to willfully cut, mark, injure, disfigure, or destroy any tree growing in the public grounds, streets, alleys or sidewalks of said town, unless so ordered or permission granted by the Mayor, Superintendent of Roads, Streets and Alleys, or the council.

(Section amended 1989)

11-302. Posting bills or damage to trees and utility poles prohibited.

It shall be unlawful for any person to injure, deface, or destroy Or post or fasten any bill or advertisement to, any tree, or any post or pole erected for lighting purposes, or any telephone or telegraph pole in said town.

11-303. Damage to street lights prohibited.

It shall be unlawful for any person to injure or destroy any electric light or other appliance used for street lighting within the town. It shall also be unlawful for anyone not authorized to do so, to put out any street light.

(Section amended 2022)

11-304. Intentional damage or destruction of public or private property prohibited.

It shall be unlawful for any person within the corporate limits of the town to intentionally engrave, deface, mutilate, injure, or destroy any property of the town, or any house, fence, railing, or any goods or chattels, the property of any other person or persons.

(See West Virginia Code 61-3-30.)

11-305. Throwing missiles at property prohibited.

It shall be unlawful for any person to willfully or maliciously throw stones, bricks, bats, Clubs, or other missiles against any building, window, fence, sign transparency, or flag.

11-306. Removal of signs or other property, blocking traffic lanes prohibited.

a) It shall be unlawful for any person within the corporate limits of the town to remove or take or carry away any personal property belonging to any other person without the owner's permission, or to remove, take or carry away any property of the town, without the consent of the owner thereof, from any location at which the said property has been lawfully and intentionally placed, with the intent to interfere with the owner's use thereof.

(b) It shall be unlawful for any person to place any item of personal property onto any sidewalk, street, alley, or public place with the intention of blocking or impeding the use thereof, without the prior approval of the council, mayor, recorder, or chief of police.

(Section amended 1989)

11-307. Damage to Public toilets prohibited.

It shall be unlawful for any person to injure, deface, or defile any toilet provided by the town or county or by any individual, firm, or corporation, for the use of the public, by cutting or scratching, or writing or printing on the walls thereof or fixtures therein, Or by willfully daubing the same with excrement or filth of any kind, or wetting the same.

(See West Virginia Code 61-3-30)

11-308. Malicious mischief Prohibited.

(a) It shall be unlawful and deemed to be malicious mischief for any person within the corporate limits of the town, to ring any door bell, or to rap upon any door or window, with intent to annoy or deceive the occupants of any such house or store.

(b) It shall be unlawful for any person to willfully or wantonly damage, deface, destroy, tamper with, remove, or withhold from its owner or lawful possessor any real or personal property which does not belong to the person so acting.

(Section amended 1989)

11-309. Penalties for Sections 11-301 through 11-308.

Any person offending against any provision of the preceding sections of this article shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than ten nor more than one hundred dollars for each such offense.

(Section amended 1989)

11-310. Damaging grave markers or 9lants Penalties.

If any person shall willfully maliciously destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed within any cemetery or

graveyard within the town or any part of any fence or enclosure, or shall willfully or maliciously destroy, remove, cut, break, or injure any tree, shrub, or place within the graveyards aforesaid, he shall, upon conviction, be fined not less than five nor more than fifty dollars for each such offense and may, in the discretion of the Court be jailed for a period not to exceed thirty days, or both so fined and jailed.

(Section amended 1989)

11-311. Removing or damaging cemetery flowers, penalties.

If any person or persons visiting any cemetery or graveyard within the town who not being authorized so to do shall pluck from any bush any rose, flower, or evergreen, so as to mar or destroy its beauty, or take or carry off any artificial flower or any flower nourished and grown within any cemetery or graveyard, he shall, upon conviction, be fined not less than ten nor more than fifty dollars.

11-312. Trespass in structure or conveyance.

Any person who knowingly enters in, upon, or under a structure or conveyance without being authorized licensed, or invited, or having been authorized, licensed, or invited is requested to depart by the owner, tenant, or the agent of such owner or tenant, and refuses to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars, and may in addition to such fine, be jailed for a period not to exceed thirty days.

If the offender is armed with a firearm or other dangerous weapon while in the structure or conveyance, with the unlawful and felonious intent to do bodily injury to a human being in said structure or conveyance at the time the offender knowingly trespasses, such offender shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, or be confined in the jail for a period not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court.

(See West Virginia Code 61-3B-2; Section amended 2022)

11-313. Trespass on property other than structure or conveyance.

(a) Any person who knowingly and without being authorized, licensed, or invited, enters or remains on any property, other than a structure or conveyance, as to which notice against entering or remaining is either given by actual communication to such person or by posting, fencing, or cultivation, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars.

(b) If the offender defies or refuses to obey an order to leave, personally communicated

to him by the owner, tenant, or agent of such owner or tenant, or if the offender opens any door, fence, or gate, and thereby exposes animals, crops, or other property to waste, destruction or freedom, or causes any damage to property by such trespassing on property other than a structure or conveyance, he shall be guilty of a misdemeanor and, upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned in the jail for a period not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court.

(c) If the offender is armed with a firearm or other dangerous weapon with the unlawful and felonious intent to do bodily injury to a human being during his commission of the offense of trespass on property other than a structure or conveyance, such offender shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in the jail for a term not to exceed thirty days, or fined not more than one hundred dollars, or both such fine and imprisonment in the discretion of the court.

(d) Notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass shall be liable to the property owner in the amount of twice the amount of such damage: Provided, that the provisions of this article shall not apply in a labor dispute.

(See West Virginia Code 61-3B-3; Section amended 2022)

11-314. Defacing private property, penalty.

It shall be unlawful for any person without authority from the owner thereof, or from some authorized agent of such owner, to cut down, mutilate, deface, tear down, destroy or injure any fence, tree, shrub, plant building or other structure lawfully upon the land of another in said town. Any person offending against the provisions of this section shall be guilty of a misdemeanor and, upon conviction, Shall be fined not more than one hundred dollars for each offense; and upon failure of said person to correct, remove, or repair such damage within a reasonable time as directed by the court, each period of forty-eight hours thereafter shall constitute a separate violation of this section.

11-315. Larceny.

If any person within the corporate limits of the town commit simple larceny of goods or chattels of the value of less than two hundred dollars, such person shall be guilty of a misdemeanor, designated petit larceny, and, upon conviction thereof, shall be confined in the jail for a term not to exceed thirty days, or fined not to exceed five hundred dollars, or both such fine and jail sentence, in the discretion of the Court.

Article Four

Offenses Against Public Policy and Good Order; Penalties

11-401. Keeping or exhibiting gaming table, machine, or device; penalty; seizure of table, machine or devices; forfeiture of money used in such gaming.

Any person who shall within the corporate limits of the town keep or exhibit a gaming table, commonly called A.B.C. or E.O. table or faro bank, or keno table, or any slot machine, multiple coin console machine, multiple coin console slot machine or device in the nature of a slot machine, or any other gaming table or device of like kind, under any denomination, or which has no name, whether the game, table, bank, machine or device be played with cards, dice, or otherwise, or shall be a partner, or concerned in interest, in keeping or exhibiting such table, bank, machine, or gaming device of any character, with the intention of encouraging or enticing any other person to gamble with the said item shall be guilty of a misdemeanor and, upon conviction, may be confined in jail for a period not to exceed thirty days and be such person shall be fined not less than one hundred nor more than one thousand dollars. Any such table, faro bank, machine, or gaming device, and all money staked or exhibited to allure persons to bet at such table, or upon such gaming device, may be seized by order of the municipal judge and the money so seized shall be forfeited to the town and paid into the treasury of the town, and the table, faro bank, machine, or gaming device shall be completely destroyed: Provided, however, that the provisions of this section shall not extend to coin-operated non-payout machines with free play feature or to automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value or services for each coin deposited therein and in which there is no element of chance.

(See West Virginia Code 61-10-1; Section amended 1989)

11-402. Permitting gaming table or device on premises; penalty.

If any person knowingly permit a gaming table or device, such as is mentioned in the preceding section (11-401) to be kept or exhibited on any premises in his occupation, knowing that the same is being kept or exhibited for the purpose of encouraging or enticing gambling in connection therewith, he or she shall be guilty of a misdemeanor and, upon conviction may be confined in jail not more than thirty days, and shall be fined not less than one hundred dollars nor more than one thousand dollars.

(See West Virginia Code 61-10-2; Section amended 1989)

11-403. Unlawful to act as doorkeeper, guard, or watch for keeper of gaming table or device; penalty.

If any person shall act as doorkeeper, guard, or watch, or employ another person to act as such, for the purpose of protecting any person engaged in gambling from detection, arrest, or capture or for the purpose of protecting any such gaming table, bank, or device, or shall resist, or by any means or device, prevent, hinder, or delay the lawful arrest of such gambler, keeper or exhibitor, or the seizure of the table, bank, or device, or money exhibited or staked thereat, or shall unlawfully take the same from the person seizing it, he shall be guilty of a misdemeanor, and, upon conviction, may be confined in jail not more than thirty days and such person shall be fined not exceeding one thousand dollars.

(See West Virginia Code 61-10-3; Section amended 1989)

11-404. Playing or betting at gaming tables and devices; playing or betting on games at hotels and public places; penalty.

If any person bet or play at any such gaming table, bank, or device as it mentioned in the first section of this article (11-401), or if, at any hotel or tavern or other public place or place of public resort, he gamble or bet on the sides of those who play at any game, whether the game be permitted or licensed or not, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five nor more than one hundred dollars.

(See West Virginia Code 61-10-4)

11-405. Betting on games of chance; furnishing money or thing of value therefore; penalty.

If any person at any place, public or private, bet or wage money or other thing of value on any game of chance, or shall knowingly furnish any money or other thing of value to any other person to bet or wage on any such game, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five nor more than three hundred dollars.

(See West Virginia Code 61-10-5.)

11-406. Permitting gaming at hotels, penalty.

It shall be unlawful for the keeper, owner, or operator of any licensed hotel, tavern eating house or restaurant, or billiard or pool room, or bowling alley to bet or gamble, or knowingly permit any persons to bet or gamble, in his place of business, for money or any other thing of value. The violation of any provision of this section shall

constitute a misdemeanor and, upon conviction, the offender shall be fined not less than twenty nor more than one hundred dollars, and in addition, said violation shall be sufficient cause for revoking any license issued by the council to said keeper, owner, or operator.

(See West Virginia Code 61-10-6; Section amended 1989)

11-407. Unlawful to trick, game, swindle, or pickpocket; penalty.

If any person shall practice any trick, game, or device with intent to swindle; or pick or attempt to pick, or aid in picking pockets; or carry off from any building, enclosure, or lot within the town, property, without the authority of the owner of such property of his or her agents, he shall, upon conviction, be fined not less than fifty nor more than five hundred dollars and may, at the discretion of the judge, be confined in jail for a period not to exceed thirty days.

11-408. vagrancy, penalty.

(Delete on constitutionality grounds, 1989.)

11-409. Loitering; penalty.

(a) Any person, individually or as part of a group of persons, on public property, including streets, sidewalks and curbs, or on private property which is regularly open for business to the public, regardless of whether it is open for business at the time, or on or in a vehicle that is on public property or on private property which is regularly open for business to the public regardless of whether it is open for business at the time, who loiters in a manner which is prohibited by shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed 25.00; for the second offense, such person shall be fined in an amount not to exceed \$50,00; for the third or any subsequent offense, such person shall be fined in an amount not to exceed \$100.00.

Loitering which is prohibited is defined as conduct

- (1) which creates a nuisance, disturbance or annoyance to the comfort or safety of any person; or
- (2) which obstructs the free passage of pedestrians or vehicles; or
- (3) which causes obstruction or interference with any person or vehicle lawfully in any public place or on any private property which is regularly open for business to the public (regardless of whether it is open for business at the time); or
- (4) which involves the making of unsolicited remarks or gestures of any offensive, disgusting or insulting nature or which are intended to annoy or disturb any person

in whose hearing or sight they are made.

(Amended on Aug 26, 2010)

11-410. Unlawful entry; penalty.

It shall be unlawful for any person, without the consent or permission of the owner, proprietor, or lessee, to enter into any hall, building, or enclosed ground in said town in which any show, entertainment, athletic event, picnic, or any exhibition of any kind whatever, is being held, for admission to which a charge is sought by such owner, proprietor, or lessee, without paying the announced or posted admission fee. Any person offending against the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars.

(Section amended 1989)

11-411. Throwing missiles at persons, penalties.

If a person throws a ball or snowball or any other missile upon any of the roads, streets or alleys of the town which shall injure, annoy, or endanger any person, whether the throwing be with intent to disturb the peace or not, the person so offending shall be guilty of a misdemeanor and, upon conviction, shall be liable to a fine of not less than one nor more than fifty dollars, and if any damage be occasioned to the personal or real property of any person by such act, the person so acting shall be liable also for the damages occasioned.

(Section amended 1989)

11-412. Discharging firearms within the town, penalties.

It shall be unlawful for any person to fire or discharge within the town any cannon, gun, pistol, revolver, or firearm, or any firecracker, Squib, rocket or fireworks, except it be in case of necessity, or in the discharge of some public duty, or at a military parade or funeral, or with the permission of the mayor of the town. Any person offending against the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than five nor more than fifty dollars.

(Section amended 1989)

11-413. Unlawful to smoke in areas not designated for smoking, penalties.

It shall be unlawful for any person to light, smoke, or possess a lighted cigar, cigarette, pipe, or other such object of substance which may tend to constitute a fire hazard when discarded or which may tend to give off any fumes, smoke, or odor that

may be offensive or injurious to the public, in any hallway, Stairway, or other area of any public building or other structure which is not designated by signs or other markings as a "Smoking" area. Any person offending against the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed fifty dollars for each such offense.

(Section amended 2022)

11-414. Curfew for juveniles; penalties.

It shall be unlawful for any person under the age of 18 to loaf, loiter, or remain unnecessarily on the streets, sidewalks, or other public thoroughfares of the town after the hour of 10:00 p.m. during the months of June, J"*yr and August, and after the hour of 9:00 p.m. during the remaining months of the year; however, this shall not be construed to prohibit the lawful passage along said public thoroughfares of any such person to or from any school or community function or place of business, or when accompanied by a parent or guardian.

In the event any such person under the age of 18 shall be found by any law-enforcement official to be in violation of this section, such person shall be taken into protective custody until he can be released into the custody of a parent or guardian, which parent or guardian shall be informed of his responsibility for any future violations of this or any other section of this code by his minor child or ward. For a second or further violation of this section, such child or ward shall be taken into said protective custody, and, upon conviction, his parent or guardian shall be fined not more than fifty dollars.