

TITLE 9 Offenses

Chapter 1	Animals and Fowl
Chapter 2	Nuisances
Chapter 3	Miscellaneous Offenses

CHAPTER 1 Animals and Fowl

State Law Reference: Dogs generally, Va. Code, Secs. 3.2-6538 et seq.

Editorial Note: Regulation and licensing of dogs within the town is the responsibility of Nottoway County under a joint program which includes the Towns of Blackstone, Crewe, Burkeville and the County of Nottoway.

Cross Reference: Nuisances generally, Ch. 2 of this title.

§ 9-1-1 Livestock prohibited to be at large; impoundment and disposition of animals found at large.

§ 9-1-2 Fowl running at large.

§ 9-1-3 Maintenance of hogs.

§ 9-1-4 Ordinance on dogs and cats.

Sec. 9-1-1 Livestock prohibited to be at large; impoundment and disposition of animals found at large.

No person shall permit his horse, mule, cow, goat, hog or other livestock to go at large in the town.

Sec. 9-1-2 Fowl running at large.

It shall be unlawful for any chicken, duck, guinea, goose or any type of fowl to run at large within the town.

Sec. 9-1-3 Maintenance of hogs.

It shall be unlawful for any person to have and keep pigs or hogs at any place within the town.

Sec. 9-1-4 Ordinance on dogs and cats.

(a) Number of dogs to be limited.

- (1) It shall be unlawful for any person to keep more than four dogs over four months of age or four cats over four months of age, or any combination of dogs or cats over four months of age to exceed four, in the town.
- (2) It is permitted by this section that owners shall be entitled to continue to keep all such dogs and cats, so long as they are duly licensed and inoculated in accordance with the law. However, it shall be unlawful for any such person to keep any dog or cat acquired after July 1, 2017, unless the total number of dogs and cats kept by the person does not exceed the number of dogs and cats permitted by subsection (a) of this section.
- (3) Upon the death or other disposition of any dog or cat in excess of the number permitted under the subsection (a) of this section, the owner shall not replace the dog or cat.
- (4) The structure of or building in which any dogs or cats are confined and the lot, compound or enclosure in which they are penned shall be kept in sanitary condition so as not to cause offensive odors or attract flies or other insects.
- (5) No dog house, pen, or kennel shall be maintained closer than ten feet to any apartment house, residential condominium, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said dogs are kept.

(6) No person shall own, keep, have in his possession or harbor any dog which, by frequent or habitual howling, yelping, or barking, shall cause a nuisance by creating a serious annoyance or disturbance to any individual or to the neighborhood.

(b) Pursuant to Code of Virginia, §3.2-6538, as amended, it shall be unlawful for all or any category of dogs to run at-large anywhere within the corporate limits of the town at any time during the year. For the purposes of this section, a dog shall be deemed to run at-large while roaming, running, or self-hunting off the property of its owner or custodian and not on a leash and in the charge of some responsible person. Any person who permits his dog to run at-large shall be deemed to have violated the provisions of this section. Any violation of this section shall be punishable as a class 4 misdemeanor [as defined by Code of Virginia, § 18.2-11, pursuant to Code of Virginia, §3.2-6587].

(c) Dangerous or vicious dogs. (Code of Virginia, §3.2-6540, §3.2-6540.1; Ord of 12-6-82; Ord. of 1-24-94)

(1) As used in this section:

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the other dog as a result of the attack or bite or (ii) both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

Vicious dog means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or an animal control officer as authorized by local ordinance pursuant to the provisions of subsection (d), that it is a dangerous dog, provided that its owner has been given notice of that finding.

- (2) Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of §3.2-6562 of the Code of Virginia.
- (3) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury, or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the

performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal, which, at the time of the acts complained of, was responding to pain or injury, or protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

- (4) The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of \$50.00 or an amount not to exceed the costs incurred by the town to administer this program, in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
- (5) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates and renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or electronic implantation.
- (6) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting another person or another animal.
- (7) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- (8) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of the same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) been moved to a different address.
- (9) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this ordinance shall be guilty of a class 1 misdemeanor.

CHAPTER 2

Nuisances

State Law Reference: Authority of town with regard to nuisances, Va. Code, Sec. 15.2-900 et seq.

ARTICLE A General Provisions

- § 9-2-1 Nuisances prohibited within town.
- § 9-2-2 Certain nuisances enumerated.
- § 9-2-3 Responsibility of property owners, occupants and others.
- §§ 9-2-4 through 9-2-10 reserved.

ARTICLE B Abatement

- § 9-2-11 Inspections, investigations and complaints.
- § 9-2-12 Right to enter private premises; duty of occupants.
- § 9-2-13 Notice to cease and desist when activity constitutes nuisance.
- § 9-2-14 Notice to abate condition constituting nuisances; appeal.
- § 9-2-15 Recourse of town when notice to abate nuisance is ignored.
- § 9-2-16 Article does not prohibit arrest for committing or maintaining nuisance.

ARTICLE A General Provisions

Sec. 9-2-1 Nuisances prohibited within town.

It shall be unlawful for any person to cause, harbor, commit or maintain, or to suffer to be caused, harbored, committed or maintained any nuisance as defined by the statute or common law of this state or as defined by this code or other ordinance of the town at any place within the town.

Sec. 9-2-2 Certain nuisances enumerated.

(a) The following acts when committed, or conditions when existing, within the town are hereby defined and declared to be nuisances:

- (1) An act done or committed or aided or assisted to be done or committed by any person, or any substance, being or thing kept, maintained, placed or found in or upon any public or private place, which is injurious or dangerous to the public health or safety.
- (2) All buildings, bridges or other structures of whatever character kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
- (3) All trees and other appendages of or to realty kept or maintained or which are permitted by and person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
- (4) All ponds or pools of stagnant water, and all foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, public place or lot to the injury or annoyance of the public.
- (5) All obstructions caused or permitted on any street or sidewalk to the danger or annoyance of the public, and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street sidewalk or other public place, which in any way may cause any injury or annoyance to the public.
- (6) All sidewalks, gutters or curbstones permitted to remain in any unsafe condition, or out of repair.

- (7) All stables, cattle yards, sheep or cow pens or yards or structures for poultry, permitted by the owner thereof or the person responsible therefor to be harboring or breeding places for rodents or otherwise to be in such a condition as to become offensive, annoying or injurious to the public or to persons in the neighborhood thereof.
- (8) All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.
- (9) All septic tanks, privies, cesspools and privy vaults of a type prohibited by state law or by rules and regulations promulgated by authority of state law, or which are maintained in any manner contrary to state law or rules and regulations promulgated by authority of state law or which otherwise constitute a menace to the health of, or are offensive to, persons in the neighborhood thereof.

(b) The nuisances described in this section shall not be construed as exclusive, and any act of commission or omission and any condition which constitutes a nuisance by statute or common law of the state, when committed, omitted or existing within the town limits is hereby declared to constitute a nuisance.

Sec. 9-2-3 Responsibility of property owners, occupants and others.

Each owner, lessee, tenant, occupant or person in charge of any real property within the town, and each agent or representative of any such person, is hereby charged with responsibility for the maintenance and use of such real property in such manner that no use of, or activity or condition upon or within, such real property shall constitute a nuisance; and all such persons are hereby charged with the duty of observing all of the provisions of this chapter, but such responsibility shall not be construed to permit any other person not charged with such responsibility to commit or maintain any nuisance upon or within any real property in the town.

Secs. 9-2-4 through 9-2-10 reserved.

ARTICLE B
Abatement

Sec. 9-2-11 Inspections, investigations and complaints.

It shall be the duty of the chief of police and the mayor to cause inspections to be made from time to time of all portions of the town to determine whether any condition exists or activity is being practiced which constitutes a nuisance; and they shall cause an investigation to be made upon complaint made by any responsible person.

Sec. 9-2-12 Right to enter private premises; duty of occupants.

Town officers shall have the right to enter upon private premises for the purposes specified in section 9-2-11, upon compliance with all applicable provisions of law. Unless it appears probable that advance warning would defeat the purpose of such entry, occupants of premises to be entered shall be given reasonable notice in advance, and in any case, it shall be unlawful for any owner or occupant to prevent such entry which is sought to be made in compliance with law.

State Law Reference: When search warrants are required Va. Code, Sec. 19.2-52 et seq.

Sec. 9-2-13 Notice to cease and desist when activity constitutes nuisance.

If at any time a town officer shall find that an activity or practice which constitutes a nuisance is occurring within the town, he shall promptly and by the most expeditious means notify the violator to cease and desist forthwith.

Sec. 9-2-14 Notice to abate condition constituting nuisances; appeal.

If at any time a town officer shall find that a condition which constitutes a nuisance exists within the town, he shall give notice in writing to the owner, occupant or person in charge of the premises upon which such

condition exists, stating therein the condition which constitutes a nuisance, and directing such addressee to remedy the condition within the time stated in such notice, which shall be not more than 10 days: and it shall be unlawful for any such owner, occupant or person in charge to fail to comply with the terms of such notice; provided, that any owner, occupant or person in charge may, within two (2) days from the service thereof, appeal to the council, in which case the terms of such notice shall be stayed pending action of the council, which shall be final; provided further, that if the officer giving notice shall state in such notice that the condition which constitutes a nuisance is such as to be an imminent hazard to the health, safety or welfare of the public or any person within or near the premises upon which such nuisance exists, then the addressee shall comply with the terms of such notice.

Sec. 9-2-15 Recourse of town when notice to abate nuisance is ignored.

(a) Upon the failure of any person to whom notice has been given pursuant to section 9-2-14 to comply with the terms of such notice, or with the terms imposed by the council on appeal, as the case may be, the officer giving such notice shall forthwith direct the appropriate town officer to remedy the condition which is the subject of such notice, and the expense incurred by the town in so doing shall be charged to the addressee of such notice, to be collected as town taxes or in any other manner authorized by law.

(b) Abatement by the town of any condition which constitutes a nuisance and reimbursement to the town of expenses incurred thereby shall not bar prosecution for maintenance of a nuisance and shall not bar the town from seeking an injunction for the abatement of such nuisance.

Sec. 9-2-16 Article does not prohibit arrest for committing or maintaining nuisance.

Nothing in this article shall be construed to prohibit any police officer from arresting any person for committing or maintaining a nuisance when such arrest is made pursuant to law.

CHAPTER 3
Miscellaneous Offenses

State Law Reference: Crimes and offenses generally, Va. Code, Title 18.2.

§ 9-3-1 Assault and battery.

§ 9-3-2 Attempts.

§ 9-3-3 Disorderly conduct.

§ 9-3-4 Firearms; willfully discharging firearms in public places.

§ 9-3-5 Same; shooting in or along road or in a street.

§ 9-3-6 Gambling; definitions.

§ 9-3-7 Impersonating officer.

§ 9-3-8 Obstructing free passage of others.

§ 9-3-9 Peeping or spying into structure occupied as dwelling.

§ 9-3-10 Throwing or depositing certain substances upon streets, public or private property; removal of such substances.

§ 9-3-11 Trespass; after having been forbidden to do so.

§ 9-3-12 Creation of unreasonably loud, disturbing, etc., noise prohibited.

§ 9-3-13 Use of loudspeaker.

§ 9-3-14 Curfew.

§ 9-3-15 Fireworks; general prohibition.

Sec. 9-3-1 Assault and battery.

Any person who shall commit a simple assault or assault and battery shall be guilty of a class 1 misdemeanor.

Sec. 9-3-2 Attempts.

Every person who attempts to commit an offense which is a misdemeanor under the provisions of this code shall be punishable by the same punishment prescribed for the offense the commission of which was the object of the attempt. In no event shall the punishment for an attempt to commit an offense exceed the maximum punishment had the offense been committed.

Sec. 9-3-3 Disorderly conduct.

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

- (1) Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in danger or safety of his life, limb or health.
- (2) Any person who shall act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.
- (3) Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.
- (4) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
- (5) Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.
- (6) Any person who shall collect in bodies or in crowds and engage in unlawful activities.
- (7) Any person who shall assemble or congregate with another or others and do bodily harm to another.
- (8) Any person who shall, by acts of violence interfere with another's pursuit of a lawful occupation.
- (9) Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other person having authority.

(b) Any person convicted of disorderly conduct, as defined in this section, shall be guilty of a class 1 misdemeanor as provided in section 1-1-8 of this code.

Sec. 9-3-4 Firearms: willfully discharging firearms in public places.

If any person willfully discharges or causes to be discharged any firearm in any street in the town, or in any place of public business or place of public gathering, he shall be guilty of a misdemeanor; provided, that this section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

Sec. 9-3-5 Same; shooting in or along road or in a street.

(a) If any person discharges a firearm in or along any road, or within 100 yards thereof, or in a street of the town, he shall, for each offense, be guilty of a misdemeanor punishable by a fine of not more than \$100.

(b) The provisions of this section shall not apply to firing ranges or shooting matches maintained, and supervised or approved, by law enforcement officers and military personnel in performance of their lawful duties.

Sec. 9-3-6 Gambling

(a) Nothing in this article shall apply to any lottery conducted by the Commonwealth of Virginia pursuant to Article 1 (§58.1-4000 et seq.) of Chapter 40 of Title 58.1; or any sports betting or related activity that is lawful under Article 2 (§58.1-4030 et seq.) of Chapter 40 of Title 58.1.

State Law Reference: Exceptions to article; State lottery; Sports betting Va. Code, Sec. 18.2-334.3.

(b) Definitions.

Illegal gambling The making, placing or receipt, of any bet or wager in the town of money or other 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 state, shall constitute illegal gambling.

Gambling device A 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, 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. 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.

Operator An operator includes any person who conducts, finances, manages, supervises, directs or owns all or part of an illegal gambling enterprise, activity or operation.

(c) Except as otherwise provided in this chapter any person who illegally gambles shall upon conviction be guilty of a class 2 misdemeanor. If an association or pool of persons illegally gambles, each person therein shall be guilty of illegal gambling.

(d) If the owner, lessee, tenant, occupant or other person in control of any place or conveyance, knows, or reasonably should know, that it is being used for illegal gambling, and permits such gambling to continue without having notified a law enforcement officer of the presence of such illegal gambling activity, he shall upon conviction be guilty of a class 1 misdemeanor.

(e) Any person other than those persons specified in other sections of this chapter who knowingly aids, abets or assists in the operation of an illegal gambling activity, shall upon conviction be guilty of a class 2 misdemeanor.

(f) A person is guilty of illegal possession of a gambling device when he manufactures, sells, transports, rents, gives away, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of any gambling device, believing or having reason to believe that the same is to be used in the advancement of unlawful gambling activity. Any person violating any provision of this section shall upon conviction be guilty of a class 2 misdemeanor.

Sec. 9-3-7 Impersonating officer.

Any person who shall falsely assume or exercise the functions, powers, duties and privileges incident to the office of sheriff, police officer, marshal or other peace officer, or who shall falsely assume or pretend to be any such officer, shall be deemed guilty of a class 2 misdemeanor.

Sec. 9-3-8 Obstructing free passage of others.

Any person or persons who in any public place or on any private property open to the public unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such place or property and who shall fail or refuse to cease such obstruction or move on when requested to do so by the owner or lessee or agent or employee of such owner or lessee or by a duly authorized law enforcement officer shall upon conviction be guilty of a class 2 misdemeanor.

Sec. 9-3-9 Peeping or spying into structure occupied as dwelling.

If any person shall enter upon the property of another, in the nighttime, and secretly or furtively peep through or attempt to so peep, into, through, or spy through, a window, door or other aperture of any building, structure or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure or enclosure be permanently situated or transportable and whether or not such occupancy be permanent or temporary, such person shall upon conviction be guilty of a class 1 misdemeanor.

Sec. 9-3-10 Throwing or depositing certain substances upon street - public or private property; removal of such substances.

No person shall throw or deposit or cause to be deposited upon any highways, streets, or public or private property any glass bottle, glass, nail, tack, wire, can or any other substance likely to injure any person or animal, or damage any vehicle upon any highways, streets, or public or private property, nor shall any person throw or deposit or cause to be deposited upon any highways, streets, or public or private property any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highways, streets, or public or private property, any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway or street shall remove any glass or other injurious substance dropped upon the highway or street from such vehicle. Any persons violating the provisions of this section shall upon conviction be guilty of a class 1 misdemeanor.

Sec. 9-3-11 Trespass: after having been forbidden to do so.

If any person shall without authority of law go upon or remain upon the lands, building or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted on such lands, buildings, premises or part, portion or area thereof at a place or places where it or they may be reasonably seen, he shall upon conviction be guilty of a class 1 misdemeanor.

Sec. 9-3-12 Creation of unreasonably loud, disturbing, etc., noise prohibited.

(a) No person shall, in the town, create any unreasonably loud, disturbing and unnecessary noise or noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person.

(b) The following acts among others are hereby declared to be unreasonably loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (1) Making, or causing to be made, any loud and unnecessary noise in or near any "quiet zone" as herein defined. A "quiet zone" shall be any part of the town in the vicinity of a hospital, church (while services are in progress), school (during school hours), public library, or place where a person shall be extremely ill, or a place where a funeral is being conducted; provided such zones shall have been marked off and designed by appropriate conspicuous signs placed, or caused to be placed, by the chief of police.
- (2) Making, or causing to be made, by persons peddling, hawking or selling produce or goods of any character a noise which disturbs the peace and quiet of a neighborhood.
- (3) Sounding or causing to be sounded, a steam whistle or any whistle of similar character or volume, except to give notice of the time of beginning or stopping work, or as a warning of danger.
- (4) Having or keeping any animal or bird which, by making or causing frequent or long continued and unreasonable noise, shall disturb the comfort and repose of any person in the vicinity.

Cross Reference: Noisy operation of vehicles, Sec. 8-1-11.

Sec. 9-3-13 Use of loudspeaker.

It shall be unlawful for any person to operate any loudspeaker or similar device on any street, sidewalk or alley in the town, regardless of whether the same be or be not attached to a vehicle, unless such person shall first have obtained a written permit therefor from the mayor.

Sec. 9-3-14 Curfew.

(a) It shall be unlawful for any person under the age of 18 years to be in or upon the streets or other public places of the town after 12 midnight, unless accompanied by and in the care of his guardian or parent, or some other adult with the consent of his parent or guardian, or unless actually executing an emergency errand upon which he has been sent by his parent or guardian, or unless such person be employed in business and his employment makes it necessary for him to be upon the streets of the town during the nighttime after the specified hour.

(b) It shall be unlawful for any parent or guardian having the legal custody of any child under 18 years of age to allow or permit any such child or ward under such age to go or be in or upon any street or other public place in violation of the provisions of this section.

Sec. 9-3-15 Fireworks: general prohibition.

(a) Except as provided in this section, it shall be unlawful for any person to sell, offer for sale, buy, use, ignite or explode any firecracker, torpedo, sky rocket or other substance or thing of whatever form or construction,

containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, nitroglycerin, phosphorus, or any other explosive or inflammable compound or substance, and intended, or commonly known, as fireworks.

(b) The mayor may issue permits for bona fide fireworks exhibitions to be held by benevolent or fraternal groups, clubs and organizations. It shall be unlawful for the holder of such a permit to fail, neglect or refuse to comply with the terms of such permit.

(c) This subdivision shall have no application to any officer or member of the armed forces of the United States while acting within the scope of his authority and duties as such; nor shall it apply to the purchase, possession and use of fireworks by any person in the operation of a railroad train or as a warning signal for highway safety.