

MISCELLANEOUS OFFENSES

12-31-08

Chapter 14

**MISCELLANEOUS OFFENSES**

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- Sec. 14-3. Disposal of trash, etc., on public property and certain private property prohibited.
- Sec. 14-4. Sale, distribution, consumption and possession of alcoholic beverages prohibited on County property; exceptions.

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**Sec. 14-1 . Ball playing in court house yard.**

All playing of ball of any kind in the court house yard by school children, or any other persons, is hereby prohibited. (Min. Bk. 2, page 380; Comp. 1974, ch. 17)

**Sec. 14-2. Hunting near public schools; possession of loaded firearm.<sup>1</sup>**

It shall be unlawful for any person to shoot or hunt with a firearm within 100 yards of any property line of a public school. It shall likewise be unlawful for any person to traverse an area while in possession of a loaded firearm within 100 yards of any property line of a public school. Any violation of this section shall be a Class 4 misdemeanor. (7-19-95)

**Sec. 14-3. Disposal of trash, etc., on public property and certain private property prohibited.<sup>2</sup>**

Any person shall be guilty of a misdemeanor who dumps or otherwise disposes of trash, garbage, refuse, litter, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of § 46.2-936 in making such arrest.

When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

Any person convicted of such violation shall be punished in accordance with Section 1-10 of this Code.

The provisions of this section shall not apply to the lawful disposal of such matter in landfills. (Ord. 7-19-00)

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<sup>1</sup>For state law as to authority of county to prohibit hunting, etc., with a firearm near public schools, see Code of Va. § 29.1-527.

<sup>2</sup>For state law as to authority of county to prohibit disposal of trash, etc., on public and certain private property, see Code of Va. § 33.1-346.

**14-4. Sale, distribution, consumption and possession of alcoholic beverages prohibited on County property; exceptions.**

(a) No person shall sell, give away or otherwise distribute; consume, or possess an open or previously opened container containing, any alcoholic beverage; or be under the influence of an alcoholic beverage, while on any County property.

(b) Any person violating the provisions of this section shall, in addition, to any other penalty, be deemed to be a trespasser on the property on which such violation shall have taken place.

(c) Notwithstanding subsection (a), the sale, distribution, possession and consumption of alcohol, by persons of legal age, at certain public parks and recreation facilities may be permitted under certain conditions as more particularly set forth hereinafter.

(1) Beer and/or wine may be sold or otherwise distributed, consumed and possessed by persons otherwise permitted by law to possess the same and in accordance with the regulations of the Virginia Alcoholic Beverage Control Board ("ABC") for the following special events:

(A) Private events where alcohol is provided at no charge to guests, such as wedding receptions, retirement parties, etc., (commonly referred to as "banquets") which are hosted by private individuals;

(B) Special events hosted by duly organized, nonprofit corporations and associations raising money for athletic, charitable, educational, political, or religious purposes;

(C) Events (commonly referred to as "tastings") involving the sale or giving of samples for the purpose of educating the consuming public about alcoholic beverages being tasted.

(2) Each event shall be subject to a Facility Rental Agreement approved by the director of Parks and Recreation in a form approved by the county attorney. Each such agreement shall be accompanied by a copy of a current ABC license of a type appropriate to the event as well as proof of liability insurance, with the County as additional insured, in a form reasonably satisfactory to the county attorney. In addition to other provisions, each such agreement shall require the provision of security controls reasonably satisfactory to the director of Parks and Recreation. Approval of any such agreement shall be conditioned upon the payment to the County

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of a fee reasonably calculated to defray the expense of administration of this section not to exceed \$1000.

(3) Events permitted under this subsection may be located at one or more of the following locations and no others, which location shall be specified in the Facility Rental Agreement:

(A) Pleasant Grove (Manor House, Wedding Grounds, Pole Barn, Heritage Trail Shelter, Farmer's Market Grounds);

(B) Carysbrook Performing Arts Center (but not including the auditorium);

(C) Bremo picnic shelter;

(D) Fluvanna County Community Center (Fork Union).

(4) Permits for events shall be subject to revocation for material violations of this section or of the Facility Rental Agreement or any associated ABC license.

(Ord. 7-20-11)