

## Chapter 117

### MISCELLANEOUS OFFENSES

**[HISTORY: Adopted by the Town Council of the Town of Pennington Gap 3-14-1985 (Ch. 8 of the 1985 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

**Curfew —See Ch. 91.**

#### **§ 117-1. Adoption of Code of Criminal Ordinances.**

The Code of Criminal Ordinances for the Town of Pennington Gap is hereby adopted by reference, and the same is incorporated and adopted as the ordinances of the Town by reference.

#### **§ 117-2. Sunday sale of alcoholic beverages.**

**(This section was removed by vote of Council on November 17, 2014)**

#### **§ 117-3. Sunday closing of poolrooms and bowling alleys.**

**(This section was removed by vote of Council on December 21, 2020)**

#### **§ 117-4. Health and welfare.**

It shall be unlawful for any person, firm, or corporation to allow, permit, cause, or continue to keep on his premises or the premises of another anything detrimental to the health or enjoyment of property of his or its neighbor or community, whether such nuisance is in contravention to the laws of the state or the health laws promulgated by the state or its health authorities. For any such violation hereunder the offender shall be guilty of a Class 4 misdemeanor and subject to a fine of not more than \$250.

#### **§ 117-5. Loitering; presenting identification upon request.**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**LOITER** —% To stand around or remain, or to park or remain parked in a motor vehicle, at a public place or a place open to the public and to engage in any conduct prohibited under this section. “Loiter” also means to collect, gather, congregate or be a member of a group or crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this section.

**PLACE OPEN TO THE PUBLIC** —% Any place open to the public or any place to which the public is invited and in, on or around any privately owned place of business, private parking lot or private institution, including places of worship, cemeteries, or any place of amusement and entertainment whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office or apartment building.

PUBLIC PLACE —% Any public street, road, or highway, alley, land, sidewalk, crosswalk or other public way, or any public resort; place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot.

B. Prohibited conduct.

(1) It shall be unlawful for any person to loiter at, or on or in a public place or a place open to the public in such a manner:

(a) As to interfere with, impede or hinder the free passage of pedestrian or vehicular traffic; or

(b) As to interfere with, obstruct, harass, curse, or threaten or do physical harm to another member or members of the public; or

(c) As to threaten or do physical harm to the property of another member or members of the public; or

(d) That, by words, acts or other conduct, it is clear that there is a present danger of a breach of the peace or disorderly conduct.

(2) It shall be unlawful for any person to loiter as defined in Subsection A at a public place or place open to the public and to fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey such direction shall endanger the public peace.

C. Identification. It shall be unlawful for any person at a public place or place open to the public to refuse to identify himself by name and address at the request of a uniformed police officer or of a properly identified police officer not in uniform, if the surrounding circumstances are such as to indicate to a reasonable person that the public safety requires such identification.

D. Lawful assembly. Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

E. Penalties. Any person violating any of the provisions herein shall be deemed guilty and subject to a fine not in excess of \$500.

**§ 117-6. Loitering by minors.**

**(Removed by Council vote on December 21, 2020)**

**§ 117-7. Begging on streets.**

Any person who shall present to any person in the Town of Pennington Gap any paper, the import of which is that he or she is maimed or otherwise unable to support himself or herself by honest work, or who shall, without such paper, exhibit, expose or otherwise state that he or she is maimed and disabled to work, or in any manner of this kind work upon the sympathies of any person in this Town, may be required, before he or she shall continue to beg for alms, to obtain from some practicing physician of this Town a certificate to the effect that he or she is in a physical state or disability as claimed. Any person who shall fail to secure such certificate as provided for herein, after being duly notified that such is required, shall, upon continuing to beg and conviction thereof, be guilty of a Class 4 misdemeanor and subject to a fine of not more than \$250.

**§ 117-8. Vagrancy.**

Any vagrant who shall be found in the Town shall be guilty of a Class 4 misdemeanor and shall be subject to a fine of not more than \$250. Any able-bodied and reasonably healthy person who shall go about the streets begging, or who shall loiter around without any visible means of support, and without betaking himself to some sourceful means of employment, shall be deemed a vagrant within the meaning of this section.