

## CHAPTER SEVEN

### ARTICLE I – Public Peace and Security

7.1.1 Peace Disturbances – It shall be unlawful for any person to disturb the peace and good order of the Town by fighting, quarreling, wrangling, threatening violence to the person or property of others, or by riot, or by making outcries, clamor or noise in the night, or by intoxication, drunkenness, or by lewd or lascivious behavior, or by indecent exposure of his person, or by abusing his family, or any member thereof by inflicting personal violence or any other gross abuse.

7.1.2 Disorderly Conduct – It shall be unlawful for any person to disturb the peace, good order or quiet of the Town by any indecent, immoral or disorderly conduct. It shall also be unlawful for any person to curse, swear or make use of any profane language, or indecent or obscene words, or to engage in any noisy, boisterous or disorderly conduct in any street, highway, public park, place or enclosure, public building, church or assembly room, or in any place or building wherefrom the same may be heard or observed in any street, highway, public park or enclosure or other building or in or on any premises other than those where the offense was committed. The offense termed “disorderly conduct” shall include, among others, all acts or conduct of a nature to corrupt morals or outrage decency, whether committed by words or acts, all acts or conduct which create, cause or lead to a breach of the peace or which may or are calculated to lead towards a breach of the peace, failure to comply with the reasonable directions or order of a policeman, obstructing, crashing, bucking, hogging or blocking a line or queue of persons formed, maintained and operating for the purpose

of allowing each person therein to take and have his turn, or her turn, in successive and regular order.

7.1.3 Disorderly Crowds – No persons within the Town shall congregate and assemble in any street or in or around any public building or enclosure, or any park or reservation, or at the entrance of any private building or enclosure, and engage in loud and boisterous talking or other disorderly conduct or insult or make rude or obscene gestures or observations on persons passing by or in their hearing, or crowd, obstruct, or incommode the free use of any such street or any of the foot pavements thereof, or the free entrance into any public or private building or enclosure.

7.1.4 Town Officers and Employees -- Interfering With, etc; Penalty – No person shall carelessly or willfully interfere with, hinder, obstruct, or resist, counsel or advise another to interfere with, hinder, obstruct or resist, any officer or employee of the Town who is engaged in, enroute to or returning from, the performance of official duty, whether such interference, hindrance, obstruction or resistance be by threat, assault or otherwise.

7.1.5 Resisting, Obstructing, Refusing to Aid, or Abusing An Officer – It shall be unlawful for any person, by threats, menaces, acts or otherwise, forcibly or illegally to resist, hinder, obstruct, or oppose, or attempt to obstruct or oppose or to counselor advise others to resist, hinder, obstruct or oppose any policeman, fireman or other officer of the Town in the lawful exercise or discharge of his official duty, or to refuse to aid or assist any such policeman, fireman or other officer in the discharge of his duty if lawfully summoned so to do. Further, no person shall knowingly and

willfully resist arrest by a police officer or otherwise resist, obstruct or abuse any police officer or other Town official in the execution of his office.

7.1.6 City Officers and Employees - - Rescue of Prisoner – It shall be unlawful for any person to rescue by force, deceit or subterfuge from any officer or employee of the Town any prisoner charged with or convicted of any offense against any ordinance of the Town, or any law of the State of West Virginia or the United States of America.

7.1.7 Impersonating an Officer – No person not a member of the Police Department, a legally elected public official, or commissioned by the proper legal authority, shall falsely represent himself to be a police officer or fireman. No person not a member of the Police Department, shall, for the purpose of such false representation, wear a uniform or part thereof similar to the uniform worn by a member of the Police Department.

7.1.8 City Officers and Employees - - Courtesy, etc., Due to and From:  
Prohibited Acts

(a) Town officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as not knowingly to deprive any person, at the time and under the circumstances then and there existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any Town officer or employee in violation of this subsection is hereby authorized to bring such matter to the attention of such officer's or employee's department head or to

the Mayor without prejudice to any other recourse to which such aggrieved person may be entitled.

(b) In turn, it shall be unlawful for any person knowingly to taunt, deride, jeer or otherwise debase or insult, whether by act, word or gesture, any Town officer or employee at any time or place while such Town officer or employee is lawfully engaged in the performance of official duty.

7.1.9 City Work Projects Not to be Interfered With – It shall be unlawful for any person to prevent, delay, hinder, obstruct or otherwise interfere with, directly or indirectly, any contractor, workman, or other person who is engaged upon any construction, improvement, repair, or other project or enterprise for or on behalf of the Town or to impede the progress of any such project or enterprise in any manner.

7.1.10 Disorderly Conduct - - In Public Schools of the Town; Loitering After Being Requested to Leave School Premises – It shall be unlawful for any person to engage in disorderly conduct, as defined in Section 7.1.2 of this Chapter, in any public school of the Town. Further, it shall be unlawful for any person to loaf or loiter on the premises of any such public school after being requested to leave by any police officer or any person lawfully in charge of such premises.

7.1.11 Disturbance of Assemblies – No person shall, within the Town, disturb, molest or interrupt any church, religious meeting, school, Sunday School, lecture, public speech, concert, theater, show, moral or physical improvement of its members, or any peaceable and lawful assemblage of the inhabitants of the Town for amusement, social or deliberative purposes, or any persons while meeting or met together for lawful purposes or any lawful and orderly procession therein.

**7.1.12 False Police, Fire, or Emergency Call** – It shall be unlawful to make or aid and abet in making, with intent to deceive, any false or fictitious alarm, call or report for police aid or protection, or any false or fictitious report, alarm or call of fire or other catastrophe. The provisions of this section shall apply to any false or fictitious alarm, call or report to the police or fire departments or officials of the Town of Glasgow whether such call originated within or without the Town so long as such point of origination was within the State of West Virginia.

**7.1.13 Governmental Functions of Town Not to be Hampered by “Sit-ins” or Other Methods** – The Town Council takes cognizance of reporting activities of organized groups of individuals in other municipalities in the United States, such as so-called “sit-ins” held in offices and hallways of buildings in which governmental business is transacted; disruption of vehicular and pedestrian traffic, designed to prevent or delay governmental personnel from reaching their places of duty; failing or refusing to obey the lawful orders of police officers and others in authority, etc., and as is generally known to all who read the newspapers, all for the avowed purpose of preventing public officers and employees from performing their duties and thereby preventing altogether, or hindering or delaying the transaction of governmental business and nullifying important functions of government.

The Town Council takes further cognizance of the fact that this Town is a municipal corporation existing under the laws of the State, with a representative form of government in harmony with the Constitutions of the United States and the State of West Virginia, and that the primary purpose of the Town

government is to serve the people of the Town; and the Town Council finds the activities of individuals and groups of individuals which are intended and designed to prevent, delay, or hinder or otherwise impair the lawful transaction of Town business or functions of the Town government constitute a clear and present danger to the good order and government of the Town for its established purposes; for though but one such organized effort may not be wholly effective, nevertheless, if it is not promptly and firmly dealt with, other such efforts may be expected to follow, so that any one such organized effort does in fact constitute a clear and present danger (1) to the ability of the Town government to serve the people of the Town, and (2) to the very survival of the Town as a lawful municipal corporation.

It shall be unlawful for any person, acting alone or in concert with one or more other persons, by means of what are known as "sit-ins" or otherwise, to commit any act, or engage in any omission, otherwise lawful, with intent to prevent, delay, confuse, disrupt, pervert or render ineffective the orderly and timely transaction of any Town business or conducting of any governmental or proprietary function of the Town, including, without limiting the generality of the foregoing provisions, the conducting of any recreational activities of the Town at any park, playground, swimming pool, or other public place in the Town.

#### 7.1.14 Loitering

(a) For the purposes of this section, the term "loiter" shall include, but is not restricted to, standing, lounging, sitting, lying or strolling about idly, whether alone or in company with other loiterers.

(b) It shall be unlawful for any person to loiter on any of the sidewalks, streets, public places or vacant lots, or in public buildings or the entranceways thereof, or in or upon other places open to the public, and there conduct himself in a manner annoying to a person passing by or occupants of buildings, or to insult, threaten, intimidate or in any manner interfere with, or impede the progress of, any person then and there conducting himself in a lawful and orderly manner.

(c) Any person who loiters on any of the sidewalks, streets, public places or vacant lots, or in public buildings or the entranceways thereof, in or upon other places open to the public who is ordered by a person then and there in charge of such building or place, or who is ordered by a police officer, to depart therefrom shall obey such order forthwith.

(d) This section shall not apply to any person or assembly of persons waiting, assembled or standing in line in an orderly manner for any lawful purpose incident to the building or other place mentioned in this section, nor shall it be construed to restrict the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws or ordinances.

**7.1.15 Music Playing in Streets** – It shall be unlawful for any person to play any musical instrument upon a public street for gain, unless in a duly authorized procession, or to carry about the streets any hand organ, fiddle or other musical instrument for the purpose of playing music on any street, for gain.

**7.1.16 Noise** – No person shall make, continue or cause to be made by the use of any horn, bell, radio, tape player, record player, or other electronic device, or by

the operation of any instrument or device, any unreasonably loud, disturbing and unnecessary noise of such character, intensity and duration as to disturb the peace and quiet of the community or to be detrimental to the life or health of any individual, and no person shall willfully conduct himself in a noisy, boisterous or other disorderly manner by either words or acts which disturb the good order and quiet of the community.

**7.1.17 Curfew For Minors Under The Age of Eighteen; Parental Responsibility, Penalties**

(A) **Definitions** – For the purpose of this section, the following words shall have the meanings respectively ascribed to them by this subsection:

- (1) **Custodian** – A parent, guardian or other adult person having the legal responsibility for the care and custody of a minor.
- (2) **Minor** – Any natural person under the age of eighteen years of age.
- (3) **Permit** – To knowingly or to fail to prevent, due to lack of reasonable efforts, to supervise and control.
- (4) **Remain** – To unnecessarily tarry, stay loiter or idle.

(B) **Curfew Imposed** – Unless accompanied by his/her custodian, it shall be unlawful for any minor, whether on foot or in a vehicle, to wander about without destination or to remain in or upon any public street, road, avenue, alley, park or other public place between 11:00 p.m. and 6:00 a.m. of the following day. This restriction shall not apply to any minor who is engaged in an emergency mission, nor shall it apply to any minor who needs to remain in public to perform a reasonable



errand under his custodian's direction, or who needs to remain in public because of his legitimate employment, trade, profession or other occupation or to participate in any religious, school or any other organizational activity.

(C) Liability of Custodians – It shall be unlawful for any custodian to permit a minor under their control to wander about or to remain in or upon any public street, road, avenue, alley, park or other public place, as prohibited by Subsection B of this section, except in a case of necessity.

(D) Enforcement – If a police officer reasonably believes that a minor is wandering about without destination or has remained in or about a street or other public place, in violation of Subsection B of this section, the officer shall warn the minor that he is in violation of the curfew and request the minor to give his complete name and address, and how to contact his custodian. The officer shall then direct the minor to proceed immediately to his home or other dwelling place.

If the minor fails to obey these directions or refuses to furnish the officer with the requested identification information, or has been subject to a prior curfew warning that same night, the officer shall take such minor to the Police Department. The Police Department shall then contact the minor's custodian and request that they come to the police station and accept release of the minor. If the custodian cannot be contacted, or if the custodian fails to come to accept release, the minor shall be released to the juvenile authorities. Proper procedures in releasing the minor to the juvenile authorities shall be followed.

(E) Penalties

(1) Any minor violating the provisions of this section shall be dealt with according to the provisions of Chapter 49 of the Code of West Virginia.

(2) Any custodian violating this provision of this Section shall be fined not less than \$50.00 and not more than \$100.00.

(3) Any parent, parents or legal guardian of a minor who has been charged with an offense under this Chapter, which person or persons have been contacted by the City and directed to come to City Hall to take charge of such minor and either refuses to do so or fails to promptly come to City Hall to take charge of such minor, or refuse to accept custody of such minor if they are delivered to them, shall be guilty of contributing to the delinquency of a minor, and subject to a fine of between Twenty-five dollars and One hundred dollars.

(F) Constitutionality and Severability – If any section, subsection, subdivision, provision, clause or phrase of this ordinance or the application thereof become invalid, such unconstitutionality or invalidity shall not affect other sections, subsections, subdivisions, provisions, clauses or phrases or applications of this ordinance, and to this end each and every section, subsection, subdivision, provision, clause and phrase of this ordinance is declared to be severable, council hereby declares that it would have enacted the remaining sections, subsections, subdivisions, provisions, clauses and phrases of this ordinance even if it had known that any section, subsection, provision, clause and phrases thereof would be declared to be unconstitutional or invalid, and that it would have enacted this ordinance even if it had

known that the application thereof to any person or circumstance will be held to be unconstitutional or invalid.

**7.1.18 Failure to Supervise a Minor**

- (1) A person commits the offense of Failing to Supervise a Minor if: The person is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child under 18 years of age and the child has been found on private property or premises open to the public in violation of any provision of Glasgow Municipal Code.
- (2) It shall be a defense to the offense of failure to supervise a minor if the child's violation of the Code occurred in the presence of the Person. It shall be a defense to the offense of failure to supervise a minor if the violation occurred on private property of the Person.
- (3) In addition to any fine or penalty imposed pursuant to this ordinance, the Court may order the Person to pay any restitution to a victim of the minor's conduct. The amount of restitution ordered pursuant to this ordinance shall not exceed \$2,500.00.
- (4) If a child in violation of (1) of this ordinance is 11 years of age or younger, any citation issued shall be issued to the parent, legal guardian or person with legal responsibility for the safety and welfare of the child for violation of this ordinance, rather to the child for violation of any provision of the Glasgow Municipal Code.
- (5) The first time a person is convicted of an offense described in (1) of this ordinance, the person shall not be required to pay a fine exceeding \$100.00 if

the person successfully participates and completes a parent effectiveness program to the satisfaction of the court.

(6) The offense described in this ordinance of failure to supervise a minor is punishable by a minimum fine of \$100.00 up to a maximum fine of \$450.00.

**IN THE COMMON COUNCIL OF THE TOWN OF GLASGOW, WEST VIRGINIA**

**AN ORDINANCE TO ESTABLISH A MUNICIPAL SERVICE FEE FOR THE PURPOSE OF POLICE PROTECTION WITHIN THE TOWN OF GLASGOW, WEST VIRGINIA; PROVIDING FOR RULES AND REGULATIONS FOR THE ADMINISTRATION THEREOF; PROVIDING FOR THE IMPOSITION AND RATE OF THE SERVICE FEE; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS** the Town of Glasgow has the plenary power and authority to provide by ordinance for the installation, continuance, maintenance or improvement of the aforesaid services, to make reasonable regulations with respect thereto, and to impose by ordinance upon the users of such services reasonable rates, fees and charges to be collected in the manner specified in said ordinance pursuant to Chapter 8, Article 13, Section 13 of the West Virginia Code of 1931, as amended.

**WHEREAS** the Town of Glasgow has the plenary power and authority to provide by ordinance, penalties for the violation of such an ordinance pursuant to Chapter 8, Article 13, Section 14 of the West Virginia Code of 1931, as amended.

**WHEREAS** it is deemed necessary by the Common Council of the Town of Glasgow, West Virginia, to provide a reasonable fee to be collected from the citizens who will benefit from police protection services of said Town for the reasons that the public safety of the citizens and residents of the Town require the installation, continuance, maintenance or improvements of said services and the revenues of the Town are not sufficient, giving due regard to other necessary costs and expenses of the Town government, to pay the expenses thereof.

**(A) Town Police Services Fee Established** There is hereby established a Town of Glasgow Police Services Fee to be collected by the Town Recorder or other person designated by the Town Council and charged to, and collect from any person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town of Glasgow to which or for which, Town Police Services are provided by the Town for its citizens, according to the rate schedule set forth in Section (C), and as Town Council may determine, or modify, from time to time, to meet and provide for delivery of police services to its citizens.

The charge shall be levied and collected, jointly and severally, from any person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town to which, or for which said Town Police services are

provided by the Town, with the right of contribution being preserved to the person or entity from whom the charge is collected together with interest at the legal rate of interest as established by the Supreme Court of Appeals of the State of West Virginia on any outstanding accrued charge or fee remaining unpaid twenty days after due, and any costs, expenses and fees, including reasonable attorney fees incurred by the Town in collecting, instituting suit, executing upon judgements rendered, and for recording abstracts of judgement in collection of the same.

Payment of Town Police Service Fees shall be made within twenty (20) days after the mailing of the billing statement by the Town Recorder or other designated person, and if made within said twenty day period, no interest, or penalty shall accrue. Upon all charges not paid within twenty (20) days of the date of the bill, ten percent (10%) shall be added to the charge.

It shall be the duty of every person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town to which, or for which said Town Police services are provided by the Town to notify the Town Recorder or Municipal Clerk in writing, of any change or correction of address.

Failure to notify the Town Recorder or Municipal Clerk of change or correction of address shall result in liability for the Town Police services fee, for the time period charged until the Town Recorder or other designated person is notified of said change or correction of address in writing via US. Mail - Registered - Return Receipt.

## **(B) DEFINITIONS**

(1) "Domestic establishment" means a one family unit or household whether maintained in a dwelling, a building or portion of a building in which not more than one room is rented or occupied by a person or persons unrelated to the other family unit in such dwelling, building or portion of a building.

(2) "Business establishment" means any location where a commercial enterprise of any kind or nature is carried on, on a regular day-to-day basis whether for the sale of tangible or intangible property or where personal services are rendered within the limits of the Town of Glasgow.

**(C) GLASGOW POLICE SERVICES FEE RATE SCHEDULE**

There is hereby levied against any person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town of Glasgow to which or for which, Town Police Services are provided by the Town of Glasgow for its citizens a monthly charge of twenty dollars and no cents (\$20.00) for such services.

**Collection Costs** It is hereby required that the Town establishes a separate and distinct Police Service Fee Account for all monies received from the collection of the charges and penalties associated with this Ordinance. All monies received from the collection of the charges and penalties herein shall be deposited directly into an account designated specifically, and only for the Police Service Fee.

**Use of Collected Fees and Penalties** All monies received from the collection of the charges and penalties herein shall be used for the Glasgow Police Department, and no part of said money shall be used for any other municipal purpose.

**Collection of Past Due Accounts** The Police Service Fee under this Ordinance, once ninety (90) days in arrears, shall be a debt due the Town of Glasgow. The Town of Glasgow may collect the fee and all approved penalties by action against any person, owner, occupant, tenant, domestic or business establishment located at any residence or business address in the Town, against whom the fee has been levied, by action brought before any of the magistrate Courts of Kanawha County, West Virginia, or other appropriate proceedings in the Circuit Court of Kanawha County, West Virginia.

**Ordinance Provisions Separable** The provisions of this Ordinance shall be separable, and if any part thereof shall be adjudged invalid by a Court of competent jurisdiction, the remaining and valid portion of this Ordinance shall remain in full force and effect.

FIRST READING 9-5-19

SECOND READING 9-16-19

DATE OF PUBLICATION \_\_\_\_\_