
PART FIVE — GENERAL OFFENSES CODE

ARTICLE 501 Administration and Law Enforcement

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CROSS REFERENCES

See sectional histories for similar State law.

Specific types of bribery—see WV Code 3-1-1 *et seq.*, 15-2-17 *et seq.*, 18-2A-9, 61-10-15 and 61-10-22

Penalty not to exceed that provided in WV Code Chap. 61—see WV Code 8-12-5(57)

Crimes against public justice—see WV Code 61-5

Bribery and corrupt practices generally—see WV Code 61-5A

Failure to comply with lawful order of police officer—see Ord. 303.02

501.01 Refusal to aid officer.

No person shall, when required by the Police Chief or any other officer, refuse or neglect to assist him in the execution of his office in a criminal case, in the preservation of the peace or in apprehension or securing of any person for a breach of the peace or in any case of escape or rescue. (WV Code 61-5-14.)

501.02 Obstructing officer.

No person shall by threats, menaces, acts or otherwise, forcibly or illegally hinder, obstruct or oppose, or attempt to obstruct or oppose, or counsel, advise or invite others to hinder, obstruct or oppose any officer in the City in the lawful exercise or discharge of his official duty. (WV Code 61-5-17.)

No person shall refuse or fail to comply with any lawful order, direction or signal of a police officer.

501.03 False fire alarm.

No person shall make, turn in or telephone, or by use of any means or method of communication aid or abet in the making or turning in of any alarm of fire which he knows to be false at the time of making such alarm. (WV Code 29-3-21.)

501.04 False reports concerning bombs or other explosive devices.

No person shall impart or convey or cause to be imparted or conveyed any false information, knowing or having reasonable cause to believe such information to be false, concerning the presence of any bomb or other explosive device in, at, on, near, under or against any dwelling house or structure, improvement, building, bridge, motor vehicle, vessel, boat, railroad car, airplane or other place, or concerning an attempt being made or to be made to so place or explode any such bomb or other explosive device. (WV Code 61-6-17.)

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501.05 Impersonating an official.

No person shall falsely represent himself to be an officer or employee of the Municipality, or exercise or attempt to exercise any of the duties, functions or powers of a municipal officer. No person not a member of the Police or Fire Departments, for the purpose of such false representation, shall wear a uniform or part thereof similar to the uniform worn by a member of the Police or Fire Department.

501.06 Attempts.

Every person who attempts to commit an offense, but fails to commit or is prevented from committing it, shall be subject to the penalty provided in Section 501.99 if the offense is punishable by confinement in jail. (WV Code 61-11-8.)

501.07 Citation in lieu of arrest; failure to appear.

A police officer may issue a citation instead of making an arrest for the following offenses, if there are reasonable grounds to believe that the person being cited will appear to answer the charge:

- (a) Any misdemeanor, not involving injury to the person, committed in a police officer's presence: provided, that the officer may arrest the person if he has reasonable grounds to believe that the person is likely to cause serious harm to himself or others; and
- (b) When any person is being detained for the purpose of investigating whether such person has committed or attempted to commit shoplifting, pursuant to Section 533.01 of this Code.

The citation shall provide that the defendant shall appear within a designated time. If the defendant fails to appear in response to the citation or if there are reasonable grounds to believe that he will not appear, a complaint may be made and a warrant shall issue. When a physical arrest is made and a citation is issued in relation to the same offense, the officer shall mark on the citation, in the place specified for court appearance date, the word "arrested" in lieu of the date of court appearance. (WV Code 62-1-5(a).)

501.08 Falsely reporting an emergency incident.

A person is guilty of reporting a false emergency incident when knowing the information reported, conveyed or circulated is false or baseless, he:

- (a) Initiates or circulates a false report or warning of or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness or other emergency under circumstances in which it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus one or more rescue vehicles or other emergency apparatus might be summoned; or
- (b) Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness or other emergency in which it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned, which did not occur, does not in fact exist; or
- (c) Reports to a law enforcement officer or agency the alleged occurrence of any offense or incident which did not in fact occur or an allegedly impending occurrence of an offense or incident which is not in fact about to occur or false information relating to an actual offense or incident or to the alleged implication of some person therein; or
- (d) (d) Without just cause, calls or summons by telephone, fire alarm system or otherwise,

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any firefighting apparatus, rescue vehicles or other emergency vehicles. (WV Code 61-6-20.)

501.09 False report.

No person shall make or give a false report or false information to any police or fire officer of the City.

501.10 False alarms.

Definitions. For the purposes of this section, the following terms, phrases and words shall have the meaning herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (a) “Town” means the Town of Harpers Ferry.
- (b) “Council” means the Town Council of the Town of Harpers Ferry.
- (c) “Mayor” means the Mayor of the Town of Harpers Ferry.
- (d) “False Alarm” means any alarm signal or message initiated and transmitted through an alarm system to the Jefferson County Central Dispatch office soliciting response by the Police Department when the factual necessity for such response does not in fact exist, however caused, excepting by acts of God.
- (e) “Monitoring System” means the intrusion alarm monitoring or receiving system at the Jefferson County Central Dispatch office.
- (f) “Person” means any person, firm, partnership, association, corporation, company, or organization of any kind.
- (g) “Regulations” means such regulations promulgated by the Mayor necessary to carry out the provisions an intent of this article.
- (h) “Subscriber” means any person, firm, partnership, association, corporation, company, political subdivision, taxing authority or organization of any kind, having a protective alarm system or company which is connected to or notifies the monitoring system at the Jefferson County Central Dispatch office.

Fees for False Alarms. Fees for false alarms and the action available to the Town to reduce false alarms shall be as follows, to take effect 30 days after the completion of the system installation.

| <u>Number of false alarms during any calendar year</u> | <u>Fee / action</u> |
|--|--|
| One | |
| Two through five | \$20.00 for every occurrence |
| Six through ten | \$100.00 for every occurrence. The Mayor may require the subscriber to provide certification from the vendor or installer of subscriber’s equipment that the equipment is in good working order and/or certification that the subscriber has taken the necessary action to prevent reoccurrence if the false alarm was |

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caused by human error.

Eleven or more

\$200.00 for every occurrence. The Mayor may require disconnection of the subscriber's equipment from the monitoring system and may permit the reconnection of the equipment only upon presentation of satisfactory proof that the subscriber has taken necessary corrective action to prevent in excessive number of false alarms from occurring in the future.

(Ord. 2000-01. Passed 4-10-2000.)

501.99 Penalty.

- (a) Whoever violates any provision of this Part Five – General Offenses Code for which no other penalty is provided shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both. Each day such violation continues shall constitute a separate offense.
- (b) Whoever violates Section 501.01 shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both. (WV Code 61-5-14.)
- (c) Whoever violates Section 501.04 shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than thirty days, or both. (Ord. 96-3. Passed 4-8-1996.)

FOOTNOTES:

Appendix Ord. 2018-01 (passed 04-09-2018) removed the Appendix to Part Five at the request of the municipal judge, noting that the bonds and fines listed in the Appendix were incorrect when compared to other sections of the Codified Ordinances and West Virginia Code.