

ORDINANCE NO. 2826

AN ORDINANCE to amend and reordain Sections 13-1-1 through 13-1-7, subsection (b) of Section 13-1-8, Sections 13-1-10 through 13-1-12, subsection (k) of Section 13-1-13, Sections 13-1-16 through 13-1-21, subsection (a) of Section 13-1-22, Section 13-1-23, subsection (g) of Section 13-1-24, subsection (b) of Section 13-1-25, Sections 13-1-27, 13-1-28, Sections 13-1-30 and 13-1-33, subsection (d) of Section 13-1-36, Chapter 1; Sections 13-2-1 through 13-2-3 and Section 13-2-5, Chapter 2, all of Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 13 relates to MISCELLANEOUS OFFENSES, which Chapter 1 relates to GENERAL OFFENSES, which Section 13-1-1 relates to ABUSIVE LANGUAGE, which Section 13-1-2 relates to ASSAULT; ASSAULT AND BATTERY, which Section 13-1-4 relates to CURSING AND SWEARING--OVER TELEPHONE, which Section 13-1-5 relates to DRUNKENNESS IN PUBLIC, which Section 13-1-6 relates to FALSE FIRE ALARMS, which Section 13-1-7 relates to GAMBLING--GENERALLY, which Section 13-1-8 relates to SAME--EXCEPTIONS; CERTAIN SPORTING EVENTS, which subsection (b) relates to PENALTY, which Section 13-1-10 relates to SAME--KEEPING GAMING BANK, GAMBLING TABLES, ETC., which Section 13-1-11 relates to SAME--OCCUPANT OF PREMISES PERMITTING GAMING BANKS, GAMING TABLES, ETC., which Section 13-1-12 relates to SAME--LOTTERY, ETC., which Section 13-1-13 relates to BINGO GAMES AND RAFFLES ALLOWED CERTAIN ORGANIZATIONS WITH PERMIT--REGULATIONS AND PROCEDURES; REVOCATION OF PERMITS; APPEALS AND PENALTIES, which subsection (k) relates to PENALTY, which Section 13-1-16 relates to ICEBOXES, REFRIGERATORS, ETC.--LEAVING ABANDONED, UNATTENDED OR DISCARDED, which Section 13-1-17 relates to INDECENT EXPOSURE, which Section 13-1-18 relates to INDECENT PRINTS, PICTURES, FIGURES OR DESCRIPTIONS, which Section 13-1-19 relates to INJURING, REMOVING OR DESTROYING PROPERTY--GENERALLY, which Section 13-1-20 relates to SAME--GARDENS AND ORCHARDS, which Section 13-1-21 relates to THROWING, LEAVING, ETC., GARBAGE, DEAD ANIMALS, ETC., ON PRIVATE PREMISES, which Section 13-1-22 relates to THROWING, LEAVING, ETC., GARBAGE, MIXED REFUSE, DEAD ANIMALS, ETC., ON STREETS, ETC.; PERMIT FOR DEPOSIT OF BUILDING MATERIAL, which subsection (a) relates to THROWING, LEAVING, ETC., GARBAGE, MIXED REFUSE, DEAD ANIMALS, ETC., ON STREETS, ETC., which Section 13-1-23 relates to LEWD AND LASCIVIOUS COHABITATION, which Section 13-1-24 relates to LOITERING OR PROWLING, which subsection (g) relates to PENALTY, which Section 13-1-25 relates to MINORS PROHIBITED IN PUBLIC POOLROOMS, which subsection (b) relates to PENALTY, which Section 13-1-27 relates to NUISANCES, which Section 13-1-28 relates to PLACARDS, POSTERS, ETC., which Section 13-1-30 relates to DISORDERLY CONDUCT, which Section 13-1-33 relates to TREPASS AFTER HAVING BEEN FORBIDDEN TO DO SO, which Section 13-1-36 relates to MOORING, TYING UP, ETC., VESSELS TO CITY PROPERTY WITHOUT CITY COUNCIL'S PERMISSION; ANCHORING BETWEEN PIERHEAD LINE AND CITY LAND WITHOUT CITY COUNCIL'S PERMISSION;

PENALTIES FOR VIOLATIONS, which subsection (d) relates to PENALTY, which Chapter 2 relates to WEAPONS, which Section 13-2-1 relates to CONCEALED WEAPONS, which Section 13-2-2 relates to SALE, ETC., OF BLACKJACKS, BRASS KNUCKS, ETC., which Section 13-2-3 relates to SHOOTING IN STREETS, ALLEYS OR PUBLIC PLACES and which Section 13-2-5 relates to SALE OF SWITCHBLADE KNIVES TO MINORS PROHIBITED.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 13-1-1, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-1. Abusive language.

If any person shall, within the city, in the presence or hearing of another, curse or abuse such person, or use any violent, abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a class 3 misdemeanor.

Section 2. That Section 13-1-2, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-2. Assault; assault and battery.

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

Section 3. That Section 13-1-4, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-4. Cursing and swearing--Over telephone.

If any person shall curse or abuse anyone or use obscene, vulgar, profane, lewd, lascivious or indecent language, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act with the intent to coerce, intimidate or harass any person, over any telephone in the city, he shall be guilty of a class 1 misdemeanor.

Section 4. That Section 13-1-5, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-5. Drunkenness in public.

If any person be drunk in public, he shall be deemed guilty of a class 4 misdemeanor. If there is a court-approved detoxification center in the area, the officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

Section 5. That Section 13-1-6, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-6. False fire alarms.

Any person who without just cause therefor calls or summons, by telephone or otherwise, any ambulance, or fire fighting apparatus, or any person who maliciously activates a manual or automatic fire alarm in any building used for public assembly or for other public use, including, but not limited to, schools, theaters, stores, office buildings, shopping centers and malls, coliseums and arenas, regardless of whether fire apparatus responds or not, shall be deemed guilty of a class 1 misdemeanor.

Section 6. That Section 13-1-7, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-7. Gambling--Generally.

(a) Any person who illegally gambles shall be guilty of a class 3 misdemeanor. If an association or pool of persons illegally gamble, each person therein shall be guilty of illegal gambling.

(b) The making, placing or receipt of any bet or wager in this city 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 this city, shall constitute illegal gambling.

Section 7. That subsection (b), Section 13-1-8, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(b) Any participant in a contest of speed or skill who, for the purpose of competing for any purse, stake or premium offered

in any such contest, knowingly and fraudulently enters any contestant other than the contestant purported to be entered or knowingly and fraudulently enters a contestant in a class in which it does not belong, and any person who engages in the fighting of cocks, dogs or other animals, as described above, shall be guilty of a class 3 misdemeanor.

Section 8. That Section 13-1-10, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-10. Same--Keeping gaming bank, gaming tables, etc.

(a) 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. Violation of any provision of this section shall constitute a class 1 misdemeanor.

(b) All money, gambling devices, office equipment and other personal property used in connection with an illegal gambling enterprise or activity, and all money, stakes and things of value received or proposed to be received by a winner in any illegal gambling transaction, which are lawfully seized by any law enforcement officer or which shall lawfully come into his custody, shall be forfeited to the city by order of the court in which a conviction under this section is obtained. Such court shall order all money so forfeited to be paid over to the city, and by order shall make such disposition of other property so forfeited as the court deems proper, including award of such property to any governmental agency or charitable organization for lawful purposes, or in case of the sale thereof, the proceeds therefrom to be paid over to the city; provided, however, that such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law.

(c) 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; and

(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.

Section 9. That Section 13-1-11, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-11. Same--Occupant of premises permitting gaming banks, gaming tables, etc.

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 be guilty of a class 1 misdemeanor.

Section 10. That Section 13-1-12, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-12. Same--Lottery, etc.

If any person shall:

(1) set up, promote or be concerned in managing or drawing a lottery or raffle for money or other thing of value;

(2) knowingly permit a lottery in any house under his control;

(3) knowingly permit money or other property to be raffled for in such house, or to be won therein, by throwing or using dice, or by any other game of chance;

(4) knowingly permit the same in such house of any chance or ticket in, or share of a ticket in, a lottery, or any writing, certificate, bill, token or other device purporting or intended to guarantee or assure to any person, or entitle him to a prize or share of, or interest in a prize to be drawn in a lottery; or

(5) for himself or another person, buy, sell or transfer or have in his possession for the purpose of sale or with intent to exchange, negotiate or transfer, or aid in selling, exchanging, negotiating or transferring, a chance or ticket in or share of a ticket in a lottery, or any such writing, certificate, bill, token or device, he shall be guilty of a class 2 misdemeanor.

Section 11. That subsection (k), Section 13-1-13, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(k) Any person, shareholder, agent, member or employee of any volunteer fire department, rescue squad or organization who violates any provision of this section shall be guilty of a class 3 misdemeanor.

Section 12. That Section 13-1-16, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:.

Sec. 13-1-16. Iceboxes, refrigerators, etc.--Leaving abandoned, unattended or discarded.

It shall be unlawful for any person, firm or corporation to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than two (2) cubic feet of clear space which is airtight, without first removing the door or doors or hinges from such icebox, refrigerator, container, device or equipment.

This section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

Any violation of the provisions of this section shall be punishable as a class 3 misdemeanor.

Section 13. That Section 13-1-17, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-17. Indecent exposure.

It shall be unlawful for any person to knowingly, voluntarily and intentionally appear in public or in a public place or in a place open to the public, or open to public view in a state of nudity, or to employ, encourage or procure another person to so appear. Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor. As used herein, "state of nudity" means a state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

Nothing contained herein shall be construed to apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, act or drama as differentiated from commercial or business advertising, promotion or exploitation of nudity for the purpose of advertising, promotion, selling or serving products or services or otherwise advancing the economic welfare of a commercial or business enterprise such as a hotel, motel, bar, nightclub, restaurant, tavern or dance hall.

Section 14. That Section 13-1-18, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-18. Indecent prints, pictures, figures or descriptions.

It shall be unlawful for any person to post, put up or exhibit on the streets or any public place in the city, any indecent or immoral print, pictures, figure or description, manifestly tending to corrupt the morals of youth, or to introduce into any family or place of education or buy or have in possession any such thing for the purpose of sale, exhibition or circulation. Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor.

Section 15. That Section 13-1-19, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-19. Injuring, removing or destroying property--  
Generally.

It shall be unlawful for any person willfully or maliciously to destroy or injure or to remove without authority any property of the city wherever situated or the private property of any person. Any person violating the provisions of this section shall be guilty of a class 1 misdemeanor. Any person destroying, injuring or removing city property in violation of this section shall be responsible for the cost of replacing the property or repairing the damage.

Section 16. That Section 13-1-20, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-20. Same--Gardens and orchards.

It shall be unlawful for any person to enter any enclosed or unenclosed vegetable garden or any orchard located within the city, without the consent of the owner, tenant or agent of the owner or tenant, and there cut down, injure, damage, destroy, eat or carry away any portion of the garden or orchard, including any growing thing, crop, tree, timber, seed, grass, soil, fertilizer, water supply, tool, implement, fence or any other protective device, or any other thing useful for the development, cultivation, maintenance and use of the garden or orchard. Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

Section 17. That Section 13-1-21, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-21. Throwing, leaving, etc., garbage, dead animals, etc., on private premises.

Except as provided by title 5, chapter 1 of this code, no person shall throw, cast, deposit, drop, scatter or leave, or cause to be thrown, cast, laid, deposited, scattered or left, in or upon any private lot or premises in the city any coal, dirt, mud, mixed refuse, trash, ashes, garbage, gravel, sand, sawdust, shavings, hay, straw, leaves, offal, vegetable matter of any kind, any dead animals or putrescible matter of any sort. Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

Section 18. That subsection (a), Section 13-1-22, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(a) Except as provided by title 5, chapter 1 of this code, no person shall throw, cast, deposit, drop, scatter or leave, or cause to be thrown, cast, laid, deposited, scattered or left, in or upon any street, alley, sidewalk, parking or other public place in the city any coal, dirt, trash, mixed refuse, mud, ashes, garbage, gravel, sand, sawdust, shavings, hay, straw, clippings, offal, vegetable matter of any kind, any dead animals or putrescible matter of any kind or building material of any kind; provided, that leaves may be deposited in the streets from October 1 to December 31 of any calendar year for collection by the city. Any person violating the provisions of this section shall be guilty of a class 3 misdemeanor.

Section 19. That Section 13-1-23, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-23. Lewd and lascivious cohabitation.

If any persons, not married to each other, lewdly and lasciviously associate and cohabit together, or whether married or not, be guilty of open and gross lewdness and lasciviousness, each of them shall be guilty of a class 3 misdemeanor; and upon a repetition of the offense, and conviction thereof, each of them shall be guilty of a class 1 misdemeanor.

Section 20. That subsection (g), Section 13-1-24, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(g) Any person convicted of violating any of the provisions of this section shall be guilty of a class 2 misdemeanor.

Section 21. That subsection (b), Section 13-1-25, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

(b) Any person under the age of 18 years and any proprietor or his agent violating the provisions of this section shall, upon conviction thereof, be guilty of a class 3 misdemeanor.

Section 22. That Section 13-1-27, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-27. Nuisances.

It shall be unlawful for any person, whether owner or tenant, to keep or permit upon improved or unimproved real estate within

the city any thing or things, whether animate or inanimate, which are dangerous, unhealthy or offensive so as to cause or be likely to cause injury or annoyance to any resident or citizen of the city. Any person violating this section shall be guilty of a class 4 misdemeanor. Each day's continuance of any nuisance prohibited in this section, after notice from a city official to abate and correct the same, shall constitute a separate offense.

Section 23. That Section 13-1-28, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-28. Placards, posters, etc.

No placards, posters or signs unsightly, detrimental to the neighborhood or dangerous to traffic shall be erected in or on the streets, sidewalks or private property in the city. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.

Section 24. That Section 13-1-30, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-30. Disorderly conduct.

(a) A person is guilty of disorderly conduct if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(1) in any street, highway, public building, or while in or on a public conveyance, or public place, engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter.

(2) willfully, or being intoxicated, whether willfully or not, disrupts any meeting of the city council or any department, agency, board or commission of this city, or of any school, literary society or place of religious worship, if such disruption prevents or interferes with the orderly conduct of the meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, such disruption is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this chapter;

(3) urinates or defecates in any public place or in any place open to the public or exposed to public view or upon the surface of the ground or upon any premises, lot or in any building, basement or in any public street, or into any standing water, stream or excavation or, public place other than a proper toilet or portable toilet;

(4) causes, provokes, engages in or congregates with another or others for the purpose of engaging in any fight, brawl or riot so as to endanger the life, limb, health or property of another or public property wherever located;

(5) engages in conduct constituting open and gross lewdness and lasciviousness;

(6) utters any lewd or obscene words or epithets in an unreasonably loud manner, or disturbs the public peace or quiet by loud and boisterous conduct. For purposes of this subsection, the term "loud and boisterous conduct" means an activity and noise of sufficient volume, intensity and duration so as to annoy or disturb unreasonably the comfort, health, welfare and environment, place or safety of persons in any office, dwelling, hotel or other type of residence, or of any person in the city.

(b) The person in charge of any such building, place, conveyance or meeting may eject therefrom any person who violates any provisions of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

(c) Anyone convicted of a violation of this section shall be guilty of a class 1 misdemeanor.

Section 25. That Section 13-1-33, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-1-33. Trespass after having been forbidden to do so.

If any person shall, without authority of law, go upon or remain upon the lands 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 by such persons or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or part, portion or area thereof at a place or places where it or they may be reasonably seen, he shall be guilty of a class 1 misdemeanor.

Section 26. That subsection (d), Section 13-1-36, Chapter 1, Title 13 of The Code of the City of Alexandria, Virginia,

1981, as amended, be and the same hereby is amended and re-ordained to read as follows:

(d) Any person violating any provision of this section shall, upon conviction thereof, be guilty of a class 3 misdemeanor. Each day that such violation continues shall constitute a separate offense.

Section 27. That Section 13-2-1, Chapter 2, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-2-1. Concealed weapons.

(a) If any person carry about his person, hidden from common observation, any pistol, revolver, or other weapon designed or intended to propel a missile of any kind, dirk, bowie knife, switchblade knife, razor, slingshot, metal knucks, blackjack, any flailing instrument consisting of two (2) or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nunchuck, nunchaku, shuriken or fighting chain, or any weapon of like kind, he shall be guilty of a class 1 misdemeanor, and such weapon shall, by order of the court be forfeited to the city, and may be seized by an officer as forfeited, and any that may be needed for police officers and conservators of the peace shall be devoted to that purpose, and the remainder shall be destroyed by the officer having them in charge.

(b) This section shall not apply to:

(1) any person while in his own place of abode or the curtilage thereof;

(2) any police officers, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to chapter 3, title 29, section 29-24, et seq., of the Code of Virginia (1950), as amended;

(3) any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range provided that the weapons are unloaded and securely wrapped while being transported;

(4) any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition provided that the weapons are unloaded and securely wrapped while being transported; and

(5) any person carrying such weapons between his place of abode and a place of purchase or repair provided the weapons are unloaded and securely wrapped while being transported.

(c) This section shall also not not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

- (1) carriers of the United States mail;
- (2) officers or guards of any state correctional institution;
- (3) campus police officers appointed pursuant to chapter 17, title 23, section 23-232, et seq., of the Code of Virginia (1950), as amended;
- (4) conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed weapon without obtaining a permit therefor:
  - a. notaries public;
  - b. registrars;
  - c. drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire;
  - d. commissioners in chancery; and
  - e. noncustodial employees of the department of corrections designated to carry weapons by the secretary of public safety or the director of the department of corrections pursuant to section 53-39 of the Code of Virginia (1950), as amended.

Section 28. That Section 13-2-2, Chapter 2, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-2-2. Sale, etc., of blackjacks, brass knucks, etc.

If any person sell or barter, or exhibit for sale or for barter, or give or furnish, or cause to be sold, bartered, given or furnished, or have in his possession, or under his control, with the intent of selling, bartering, giving or furnishing any blackjack, brass or metal knucks, switchblade knife or like weapons, the person shall be guilty of a class 4 misdemeanor. The having in one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give or furnish the same.

Section 29. That Section 13-2-3, Chapter 2, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-2-3. Shooting in streets, alleys or public places.

If any person willfully discharge or cause to be discharged any firearm in any street, or in any place of public business or place of public gathering, he shall be guilty of a class 1 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 said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

Section 30. That Section 13-2-5, Chapter 2, Title 13 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 13-2-5. Sale of switchblade knives to minors prohibited.

If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Section 31. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.  
Mayor

Final Passage: June 28, 1983