

AN ORDINANCE TO REGULATE MISCELLANEOUS OFFENSES; REPEAL OF AND TO AMEND CERTAIN ORDINANCES; PROVIDING FOR MEANS OF ENFORCEMENT AND FURTHER PROVIDING FOR PENALTIES FOR VIOLATIONS; AMEND CERTAIN ORDINANCES. AMENDED THIS 6th DAY OF MARCH, 2014.

WHEREAS, it is deemed necessary by the Common Council of the City of Glenville to prohibit the following offenses, repeal of and to amend certain ordinances in order to protect the property, welfare, rights and safety of the citizens of the City of Glenville; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GLENVILLE, THAT;

Section A-1. Voting Wards. This ordinance is to amend an ordinance on page 53 of Laws and Ordinances, City of Glenville, New Book, which ordinance is, “TO PROVIDE FOR LAYING OFF THE TOWN OF GLENVILLE INTO WARDS, AND PROVIDING BOUNDARIES THEREOF” be amended to include, for voting or any other reason, in WARD NO> 4, all of the area commonly known as “RIVERVIEW” and being the same areas as was annexed into the City of Glenville by ordinance which was passes effective October 1st, 1979.

Section A-2. Municipal Executive Committee. This ordinance is to repeal an ordinance on page 68 of Laws and Ordinances, City of Glenville, Middle Book, which is “AN ORDINANCE, PROVIDING FOR THE ELECTION OF A MUNICIPAL EXECUTIVE COMMITTEE, DESIGNATING THE TERM THEREOF, AND DESCRIBING ITS DUTIES” and which ordinance was adopted effective April 4, 1949. It is the intent of the Common Council that the entire “Municipal Executive Committee” ordinance be hereby declared to be invalid and repealed and not in force.

Section A-3. Hunting or Killing Animals in City Limits. It shall be unlawful for any person to hunt with any weapon, as described in Section A-4 of this ordinance which appears below, or to shoot at or willfully wound or kill any wild or domestic animal with any weapon or trap any wild or domestic animal with any type of trap, at any place within the city limits of the City of Glenville at any time unless said person is performing in an official capacity in the lawful exercise and discharge of his or her official duties as a police officer or other officer in an official and lawful act.

Section A-4. Discharging a Weapon. (Amended this 6th day of March, 2014) It shall be unlawful for any person to discharge any Firearm or any Deadly Weapon. Deadly Weapon is described as “ an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The term deadly weapon shall include, but not limited to, the instruments defined in Subsection (7) and (8) inclusive of this section or other deadly weapons of like kind or character which may be easily concealed on or about the person” as described by West Virginia State Code 61-7-2(9). Firearm is described as “any weapon which

will expel a projectile by action of an explosion” as described by West Virginia State Code 61-7-2(11). However airsoft weapons may be used within the city limits of the City of Glenville as long as the use is for shooting at designated paper targets only. THIS DOES NOT GIVE ANYONE THE RIGHT TO CARRY ANY WEAPONS WHETHER THEY ARE CONSIDERED AIRSOFT WEAPONS, FIREARMS, OR DEADLY WEAPONS UPON ANY PUBLIC STREET OR ON ANY PUBLIC PROPERTY. AIRSOFT WEAPONS WILL BE PERMITTED ONLY FOR THE USE ON PRIVATELY OWNED PROPERTY AND THIS SUBSECTION DOES NOT SUPERSEDE ANY OTHER SUBSECTION WITHIN THIS ORDINANCE AND DOES NOT ALLOW FOR THE HUNTING OR KILLING OF ANY ANIMAL WITHIN THE CITY LIMITS OF THE CITY OF GLENVILLE. The use of any and all airsoft weapons must only be utilized under the direct supervision of an adult who is over the age of 21. Even under the supervision of an adult any carrying of any weapons of any type on any public street or public property is STRICTLY PROHIBITED. The only exception to this subsection is any person acting in his or her official capacity in the lawful exercise and discharge of his or her official duties as a police officer or other officer in an official and lawful act. When there is a violation of the ordinance as to carrying any weapon on any Public Street or Public Property and the individual carrying the weapon has reached the age of 16 but under the age of 21 both the supervising adult and offender shall be cited for the violation, When the offender is under the age of 16 the supervising adult shall be cited for the violation.

Section A-5. Petit Larceny. It shall be unlawful for any person at any place, public or private, within the city limits to unlawfully steal, take or carry away any money, property, goods, effects, of another or to willfully obtain any money, goods, property, effects or services of another without their permission, in the value of less than Two Hundred (\$200.00) Dollars.

Section A-6. Brandishing a Dangerous Weapon. (Amended this 6th day of March ,2014) It shall be unlawful for any person at any place, public or private, within the city limits, while armed with a firearm or any other dangerous and deadly weapon as described in Subsection A-4. With or without a license or permit to carry the same, to expose or brandish such weapon or to point or aim the same at someone in a threatening manner.

Section A-7. Resisting Arrest or Obstructing a Police Officer. It shall be unlawful for any person at any place, public or private, within the city limits by threats, menaces, acts or otherwise, or to forcibly or illegally hinder, resist, obstruct or oppose, or by hitting a police officer with a fist or by kicking a police officer with a foot or by biting or grabbing a police officer, or to obstruct or oppose even by words or deeds or attempt to obstruct or oppose or resist or to counsel or advise others to hinder, resist, obstruct or oppose any police officer in the city limits at any time when said officer is lawfully exercising and discharging his or her official duties.

Section A-8. Firecrackers or Explosive Device or Incendiary Device. It shall be unlawful for any person at any place, public or private, within the city limits, without a permit in writing from the Common Council of the City of Glenville, to fire, shoot or set off, or attempt to fire, attempt to shoot or attempt to set off, any type of firecrackers, torpedoes, M-80, squibs, cherry bombs, or any other type of fireworks, or anything of like kind, or fire, shoot or set off, or attempt to fire, attempt to shoot or attempt to set off, any type of incendiary device causing or

capable of causing a fire, or any type of explosive device, explosive or incendiary material or compound.

PENALTIES. (Amended this 6th day of March, 2014) Any person violating any one of the provisions in Section A-3 thru and including Section A-8 of this ordinance shall upon conviction be fined not less than Ten Dollars (\$10.00), or more than Three Hundred Dollars (\$300.00) for each violation of any one of these provisions of said ordinance.

It is the intent of the Common Council of the City of Glenville that each separate Section and/or provision of this ordinance shall be deemed independent of all other Sections and/or provisions herein, and it is further the intention of the Common Council of the City of Glenville that if any Section and/or provision of this ordinance be declared to be invalid, all other Sections and/or provisions therein shall remain valid and in full force and effect, and enforceable.

All ordinances, or parts of ordinances, in conflict herewith, or inconsistent herewith, are hereby repealed to that extent and no further.

This ordinance shall be in effect immediately upon final passage by the Common Council of the City of Glenville.

CERTIFICATE OF ENACTMENT

I, Dennis Fitzpatrick, Mayor do hereby certify that the foregoing ordinance with Sections A-1, thru and including Section A-8, was lawfully ordained and enacted by the Common Council of the City of Glenville at the Regular Council session, first reading held on this 6th day of March, 2014, as an amendment to the ordinance, and second reading held on the 7th day of April, 2014, said ordinance shall be in immediate force and effect as of this 7th day of April, 2014.

Dennis Fitzpatrick, Mayor

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ATTEST:

Debbie Starcher-Johnson, Recorder