

CODIFIED ORDINANCES OF NUTTER FORT

PART FIVE - GENERAL OFFENSES CODE

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**ARTICLE 501**

**Administration and Law Enforcement**

<b>501.01 Refusal to aid officer.</b> <b>501.02 Obstructing officer.</b> <b>501.03 False fire alarm.</b> <b>501.04 False reports concerning bombs or other explosive devices.</b> <b>501.05 Impersonating an official.</b>	<b>501.06 Attempts.</b> <b>501.07 Citation in lieu of arrest; failure to appear.</b> <b>501.08 Falsely reporting an emergency incident.</b> <b>501.09 False report.</b> <b>501.99 Penalty.</b>
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**CROSS REFERENCES**

See sectional histories for similar State law  
 Specific types of bribery - see W. Va. 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 W. Va. Code Ch. 61 – see W. Va. Code 8-12-5(57)  
 Crimes against public justice - see W. Va. Code Art. 61-5  
 Bribery and corrupt practices generally - see W. Va. Code Art. 61-5A  
 Failure to comply with lawful order of police officer – see TRAF. 303.02

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**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 the apprehension or securing of any person for a breach of the peace or in any case of escape or rescue.

(WVaC 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. (WVaC 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.

(WVaC 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, structure, improvement, building, bridge, motor vehicle, vessel, boat, railroad car, airplane or other place, or concerning an attempt or alleged attempt being made or to be made to so place or explode any such bomb or other explosive device.

(WVaC 61-6-17)

**501.05 IMPERSONATING AN OFFICIAL OR LAW ENFORCEMENT OFFICER.**

(a) No person shall falsely represent himself or herself to be a law-enforcement officer or law-enforcement official or be under the order or direction of any such person. No person not a law-enforcement officer or law-enforcement official shall wear the uniform prescribed for such persons, or the badge or other insignia adopted for use by such persons with the intent to deceive another person. For purposes of this section, "law-enforcement officer" and "law-enforcement official" shall have the meanings set forth in West Virginia Code 30-29-1 except that such terms shall not include members of the State Division of Public Safety and shall not include individuals hired by non-public entities for the provision of security services.

(WVaC 61-1-9)

(b) 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 Fire Department, for the purpose of such false representation, shall wear a uniform or part thereof similar to the uniform worn by a member of the 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.

(WVaC 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.  
(WVaC 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) Without just cause, calls or summons by telephone, fire alarm system or otherwise, any firefighting apparatus, ambulance apparatus, rescue vehicles or other emergency vehicles.  
(WVaC 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.

**501.99 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.  
(WVaC 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.  
(WVaC 61-6-17)
- (d) Whoever violates Section 501.05(a) shall be fined not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000).  
(WVaC 61-1-9)