

THE FOLLOWING ORDINANCES OF THE CITY OF HAMPTON MADE IN
PERSUANCE OF ITS CHARTER POWER UNDER THE ACTS OF THE
GENERAL ASSEMBLY APPROVED 1905 AND REGULARLY ADOPTED BY
THE MAYOR AND COUNCIL, AS AMENDED BY THE CITY COUNCIL OF
THE CITY OF HAMPTON ON 4th DAY OF March 1975,
AND SECTIONS RENUMBERED.

THE MAYOR

SECTION 1.

The Mayor shall be chief executive officer and have general superintendence of the affairs of the City. It is his duty to preside at all meetings of the Council and to cast the deciding vote in case of a tie; to see that the laws and ordinances are enforced; to see that each and every officer performs his duty; and to cause any officer to be prosecuted for neglect or violation of duty or immoral conduct. He shall examine the digest of tax return, the reports of the City Officers, the books of the Clerk or Council and City Treasurer, or appoint suitable committees to examine and report on the same. He shall appoint at the first regular meeting of each term standing committees to whom may be referred such business as the Council may deem proper, viz., committees on streets, finance, ordinance, public squares, etc. He shall also appoint a Mayor Pro-Tem.

THE MAYOR PRO-TEM

SECTION 2.

The Mayor Pro-Tem may act in the absence, sickness, or disqualification or inability of the Mayor to act and when so acting shall have all the powers of the Mayor. In the event of the death of the Mayor, the Mayor Pro-Tem shall discharge the duties of the office of Mayor until the vacancy is filled by the election of a successor. Any Councilmen may try offenders against the laws and ordinances of said City whenever from any cause it is not possible for the Mayor Pro-Tem to act. When so sitting they are clothed with all the powers of the Mayor.

THE CLERK

SECTION 3.

The Clerk and Treasurer shall attend each meeting of the Council, keep a record of the minutes of the same, issue all summonses of the same, processes, subpoenas and executions as may be necessary in the enforcement of the laws and ordinances, issue all license granted by the Mayor or Mayor and Council and keep a record thereof and have charge of and carefully and securely keep all the books and papers belonging to the Council. He shall keep a book in which he shall enter all moneys received and from whom, also in which he shall enter all moneys paid out and for what purpose; he shall take receipts for all moneys paid out. Said books and receipts shall be subject at all times to the inspection of the Mayor or any committee appointed by him for the purpose.

THE TREASURER

SECTION 4.

The Treasurer and Clerk shall receive and pay out all moneys belonging to the City. He shall pay out no moneys without a warrant or order duly passed by the Council, signed by the Mayor, and countersigned by the Clerk with the seal of the City, impressed thereon, and every such order so paid shall be marked "Paid" across its face and filed by him as a voucher. He shall keep a book and enter therein promptly and fairly all the money received by him, by whom and what for. He shall also make entry of all money paid out, specifying particularly the number and date of the warrant on which payment is made, and the consideration for which the warrant purports to have been given, and shall submit at each regular meeting of Council a report of all his receipts and disbursements. His books shall be at all times subject to the inspection of the Mayor and Council and at the first regular meeting in January of each year he shall submit a complete report showing the entire receipts and disbursements during the past year, exhibiting as clearly as practicable the main sources from the income has been received, and principal objects for which the expenditures have been made. He shall have charge of all tax or other executions and place them in the hands of the Chief of Police when so directed by the Mayor and Council and report to Council any neglect of the Chief of Police in collecting the same, together with all his actions and doings in relation thereto.

POLICEMEN

SECTION 5.

in the event of an emergency ^{am}
The Mayor may appoint such a number of policemen as may be necessary upon all public occasions, or such other occasions as may demand them to act temporarily under the Chief of Police, who shall be sworn in and ready at any time, day or night to promptly act upon the call of the Chief of Police and all arrests made by them shall be lawful while so acting under the Chief of Police.

NUISANCES

SECTION 6.

No person shall fire a gun, pistol, or other fire arms nor burn rockets, crackers or any kind of fire works within the limits of the City, (Except by leave of Council) under penalty of fine not exceeding Fifty Dollars or be imprisoned or confined at labor on the streets, not exceeding thirty days.

SECTION 7.

No person shall build or put up any barb-wire fence on any street in said City under the penalty of a fine of not more than \$5.00 per day during the time said fence shall remain after notice from the Chief of Police to remove the same, or be imprisoned or confined at labor on the streets not exceeding thirty days.

STREETS AND SIDEWALKS

SECTION 8.

No person shall ride any bicycle, motorcycle, upon any sidewalk in said City under a penalty of not more than Fifty Dollars or imprisonment or confinement at labor on the streets of said City of not exceeding thirty days for each offence.

RAILROADS CARS, TRAINS, ETC.,

SECTION 9.

No car or cars of any Railroad Company shall be permitted to stand upon or blockade any street crossing or sidewalk within the City limits obstructing free passage for pedestrians and vehicles for more than five minutes at any one time. The engineer and conductor in charge of said train shall each be subject to a fine of not more than Three hundred Dollars or imprisonment or at labor on the streets not exceeding sixty days for each offence.

SECTION 10.

No railroad Company nor any person in charge of any train of cars, car or locomotive shall run the same within the corporate limits of said City at a greater speed than 35 miles an hour. The Conductor and Engineer either or both in charge of such car or locomotives shall be responsible for the running of the same and on conviction of the violation of same, shall be fined not more than Three Hundred Dollars or be imprisoned or confined at labor on the streets of said City not more than sixty days for each offence.

AMMENDMENT TO CITY ORDINANCE NUMBER 1, SECTION 12:

SECTION 12-A

IT SHALL BE ILLEGAL FOR ANYONE TO SERVE OR CONSUME ANY ALCOHOLIC BEVERAGE IN A STREET, ALLEY, PUBLIC PARKING LOT OR OTHER PARKING LOT COMMONLY USED BY THE PUBLIC, OTHER PUBLIC PLACE OR PUBLIC PROPERTY.

First reading: October 9, 1979.

Second and final reading November 13, 1979.



Martha A. Barnette
MARTHA A. BARNETTE, CLERK

Tommy N. Smith
TOMMY N. SMITH, MAYOR

OFFENCE AGAINST PEACE, ORDER, MORALS, ETC.

SECTION 11.

Any person who shall keep, rent, or let any house, hall or room within the corporate limits of said city for the congregation of disorderly, noisy, or riotous persons or where disorderly, noisy or riotous persons assemble to the disturbance of the neighborhood or some part thereof, shall be fined not more than Fifty Dollars or be imprisoned or confined at labor on the streets of said City not more than thirty days.

INTOXICATING LIQUORS

SECTION 12.

It shall be unlawful for any person to sell in any quantity, directly or indirectly any spiritous, vinous, malt or intoxicating liquors of any character within the corporate limits of the City of Hampton. Any person violating this ordinance and upon conviction thereof shall be fined not exceeding Fifty Dollars or imprisoned no longer than one month according to the discretion of the Mayor.

SECTION 13.

It shall be unlawful for any person to have or to keep intoxicating or spiritous, vinous, or malt liquors within the said City for the purpose of illegal sale, or to have a place in the said City where liquors are stored or kept for illegal sale or to be distributed for sale or to be frequented or drunk or where other persons may frequent or drink, or take, receive or carry away any of said liquors to be drunk.

Any person violating this law shall be fined not more than Fifty Dollars and costs or be imprisoned or confined at labor on the streets of said City not more than thirty days. The costs in all cases made in the City for violation of this section shall be Ten Dollars.

SECTION 14.

Any person who shall be found in the streets or elsewhere in this City, drunk or intoxicated or acting in a disorderly manner or who shall be guilty of any act against public safety, morality, or decency shall be arrested by the Chief of Police and confined until he or she can be carried before the Recorder's Court who may fine the offender not exceeding Fifty Dollars or imprison him or confine him at labor on the streets of the city not more than thirty days.

SECTION 15.

Any person who shall be guilty of quarreling or using any profane, obscene, or vulgar language, malicious mischief, any act of public indecency or drunk or otherwise acting in a disorderly manner in the street or any other place within the corporate limits of this City shall on conviction pay a fine of not exceeding Fifty Dollars or imprisonment or work on the streets not exceeding thirty days as the Mayor may think best.

IDLING, LOAFING AND LOITERING

SECTION 16.

When the Chief of Police has made an arrest of an offender against any ordinance, and where trial cannot be had immediately

the Chief of Police may take bond and security for his appearance before the Recorder, or if such person fails or refuses to give such bond, the Chief of Police may confine such offender in the county jail until a trial can be had. When a bond is taken and the offender shall fail to appear at the time appointed the Recorder shall forfeit such bond, and issue a rule against such defendant and his securities requiring them to produce said defendant on a day to be named, or in default thereof that judgment be entered against said defendant and such security.

Such rules shall be served on said defendant if to be found in said City and on the securities at least three days before the hearing. If no satisfactory defence is made to said rule, judgment shall be entered against said defendant and the securities and be enforced in the same manner as executions for taxes are collected. The cost of each proceeding shall be Three Dollars.

SECTION 17.

Any person who being called upon by the Mayor, any policeman or any other member of Council, or any other officer for aid to arrest an offender or to suppress an affray or breach of the peace shall refuse such assistance (shall be fined not exceeding Fifty Dollars, or be imprisoned or confined on the streets of said City not more than thirty days.) Or any person who shall oppose or resist any officer of the City in the discharge of his duties in any manner shall be fined not exceeding Three Hundred Dollars, or imprisoned or confined at labor on the streets of the City not exceeding Sixty days.

ARRESTS, TRIALS, ETC.

SECTION 18.

The attendance of witnesses may be enforced by subpoena under the same rule as in the Superior Court, and any witness who shall fail to attend the Recorder's Court or meeting of the council on appeal case after having been legally subpoenaed or who shall refuse to testify, shall be subject to a fine of not exceeding Fifty Dollars or imprisonment or work on the street not exceeding thirty days. The Recorder shall issue his rules against a defaulting witness calling upon him or her to show cause before him at a time named why he should not be punished for such default and on failure to appear, the Recorder shall issue his warrant commanding his arrest as in other cases of violation of ordinance, and unless good and legal excuse is shown the Recorder shall fix and enforce the penalty above provided subject to the right of appeal as in other cases provided.

SECTION 19.

Any person who during the sitting of the Recorder's Court or during the session of the Council shall be guilty of contempt of Court or Council, or who shall refuse to abide by or perform any sentence, order or judgment of said courts or council, shall be fined not exceeding One Hundred Dollars and costs or confined or at labor on the streets of the City not more than thirty days.

SECTION 20.

Any person not being an officer or policemen, or other person clothed with authority to act as a policeman shall represent himself as such. Any person convicted of a violation of this ordinance shall be fined not exceeding One Hundred Dollars.

SECTION 21.

It shall be unlawful for any person, whether an officer of the City or otherwise, to remove from the Clerk's or Treasurer's office any book, or books, record, or records or other valuable documents without an order from the Mayor and Council; and every person so offending upon conviction shall be fined not exceeding the sum of Fifty Dollars.

Any Clerk or Treasurer knowingly permitting any of the records above mentioned to be removed without the order aforesaid, shall be liable to the same punishment for permitting them to be removed.

SECTION 22.

Any person who shall be guilty of tossing or throwing rocks or stones or in any manner injuring or multilating any dwelling or any other house in the City, he shall on conviction, be fined not ^{exceeding} ~~exceeding~~ fifty dollars or imprisonment for thirty days.

SECTION 23.

If any person shall injure, mutilate or destroy any property owned, controlled, or possessed by said City, he shall be arrested or if incarcerated under a City or State charge,

shall be brought before the Recorder's Court who shall assess a fine in doubly the amount of the damage done or imprison such offender, not exceeding thirty days.

SECTION 24.

It shall be unlawful for any person or persons to post any signs or bills on or to mutilate any of the electric light and telephone or telegraph poles erected in said City or to break or mutilate any incandescent or arc light in or out of use or to cut, mutilate, or destroy any wire or wires in or out of use, or to break any insulators in or out of use. Any person on conviction of violating the ordinance shall be fined not exceeding the sum of Three Hundred Dollars or confinement not exceeding sixty days.

SECTION 25.

It shall be unlawful for any unauthorized person to interfere with any plug or hydrant either by unscrewing or screwing up any cap or tap on same, or in any way interfering with said hydrant, or with any pipe, or with any other machinery or apparatus of the water or sanitary systems belonging to or being operated in the City of Hampton. Any person on conviction of violating this ordinance shall be fined in a sum of not exceeding Three Hundred Dollars or confined not exceeding thirty days.

SECTION 26.

If any person shall throw any dirt, rubbish or any unclean matter in any cistern, stand-pipe, or any other part of the water works, shall on conviction of this ordinance, be fined not exceeding Three Hundred Dollars, or confinement not exceeding Sixty days.

SECTION 27.

Wherever in the ordinances adopted by the Mayor and Council or the Council as the case may be, no penalty is affixed, the Recorder shall have the right to impose the fine not exceeding Three Hundred Dollars, imprisonment not exceeding sixty days, one or both, for a violation of any section of these ordinances, not withstanding any penalty affixed to any section or provision of these ordinances.

SECTION 28.

No person shall write, print, draw or carve or stain on any Church or public building any letter or letters, word or words, device or devices or in any manner mutilate or deface any of the public buildings or churches in the City of Hampton. Any person so offending upon conviction shall be fined not exceeding the sum of Fifty Dollars, ect.

SECTION 29.

No person shall or offer for sale any diseased or unsound meat, fish, poultry or game under a penalty not exceeding Fifty Dollars or confinement not exceeding thirty days for each and every offence committed within the corporate limits of Hampton.

SECTION 30.

Any person who shall be guilty of drawing a knife, gun or pistol, and threatening or attempting to use it, except in actual selfdefence shall be fined in a sum not exceeding Three Hundred Dollars, or imprisoned.

SECTION 31.

It shall be the duty of the Chief of Police, the Mayor, or any member of the Council or public officer of the City on the occasion of a riot, or affray or general fight, to command peace, and demand that the disturbance cease; and any person who shall aid, assist or encourage a continuance of such disorder and fails to disperse when commanded so to do by the authorities aforesaid, shall be deemed guilty of an offence against the good order, peace and dignity of the City, and, on conviction shall be fined in the sum not exceeding Three Hundred Dollars or be imprisoned not exceeding sixty days.

SECTION 32.

If any person shall molest or interfere with the Chief of Police, or a member of the police force while on duty in the City of Hampton, or shall, by any means prevent the arrest of any person sought to be arrested by said officer, shall on conviction be fined not exceeding Three Hundred Dollars or imprisoned not exceeding sixty days.

SECTION 33.

Any person or persons who shall be guilty of quarrelling, fighting or otherwise acting in a disorderly or riotous manner in the streets or elsewhere in the City shall be fined not exceeding Three Hundred Dollars, or be imprisoned not exceeding sixty days.

SECTION 34.

Any person or persons who shall appear at any place drunk, or acting in a disorderly, riotous and tumultuous manner, or who shall use in the presence of any lady or ladies, indecent, vulgar, or obscene language, or who shall act in an improper manner in the streets or elsewhere, shall be deemed guilty of a violation of this section of the ordinance of the said City and shall be arrested and confined until such time as he or they in condition to be tried, shall be brought before the Mayor and on conviction shall be fined not exceeding Fifty Dollars or confined not exceeding thirty days.

SECTION 35.

An infant under the age of ~~ten~~ ^{thirteen} years, a lunatic, insane person, or an idiot shall not be judged guilty or punished for any offence against the ordinances with which he or she may be charged. Nor shall any person be deemed guilty of any offence committed by misfortune or accident where it appears satisfactorily that there was no evil design, or intention, or culpable neglect. A crime consisting in the violation of a public law and shall consist in the violation of the ordinances of the City of Hampton, in the commission of which there shall be joint operation of act and intent.

SECTION 36.

Any person charged with the violation of any ordinance of the City of Hampton may make bond with security payable to the City of Hampton in a sum not exceeding Three Hundred Dollars for his appearance before the Recorder's Court of said City of Hampton. Witnesses may make bond to appear to

testify in any cases pending or about to be commenced in the Recorder's Court; if parties or witnesses fail or refuse to give bond and security is required of them by this section, may be committed or be kept under guard, so as to be present to abide the trial or trials, or to testify as the case may be.

SECTION 37.

On trial of all offenders or persons charged with the violation of any of the ordinances of the City of Hampton, the same rules of evidence as are of force in the Superior Courts of this State shall be adhered to and enforced as far as applicable to the case on trial.

SECTION 38.

Any party charged with the violation of the Ordinances or any Ordinance of the City of Hampton, may file his plea of "Guilty" under such rules as the Court may direct, and upon a plea of Guilty the Court shall pass sentence or judgment in the case as may appear reasonable, mett and proper.

Adopted as amended at a regular meeting of the Mayor and City Council on 4 March 1975.


Mayor Glenn Mitchell


City Clerk Cary H. Hall

SECTION 39.

Damaging, injuring or interfering with property of public utility company, municipalities or political subdivision.

(a) It shall be unlawful for any person intentionally and without authority to injure or destroy any meter, pipe, conduit, wire, line, post, lamp or other apparatus belonging to a company, to any municipality, political subdivision, engaged in the manufacture or sale of electricity, gas, water, telephone or other public services, or intentionally and without authority to prevent a meter from properly registering the quantity of such service supplied, or in any way to interfere with the proper action of such company or any municipality or political subdivision, intentionally to divert any services of such company, municipality, or political subdivision or otherwise intentionally and without authority to use or cause to be used without the consent of such company, municipality or political subdivision, any service manufactured, sold or distributed by such company, municipality or political subdivision.

(b) Where there is no evidence to the contrary, the person performing any of the illegal acts set forth in subsection (a) and/or the person, who with knowledge of such violation receives the benefit of such services without proper charge as a result improper action shall be presumed to be responsible for such acts of tampering or diversion.

Adopted as amended at a regular meeting of the Mayor and City Council on August 10, 1982.



 Mayor Tommy N. Smith



 City Clerk Martha A. Barnette