

**ARTICLE 509**  
**Disorderly Conduct and Peace Disturbance**

<b>509.01</b>	<b>Disorderly conduct.</b>	<b>509.03</b>	<b>Wearing masks, hoods or face coverings.</b>
<b>509.02</b>	<b>Loitering on school property.</b>	<b>509.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

Authority to maintain order - see W. Va. Code 8-12-5 (19), (44)  
 Crimes against the peace - see W. Va. Code Art. 61-6  
 Intoxication or drinking in public places - see GEN. OFF. 521.06  
 Breach of peace with weapon - see GEN. OFF. 545.02

**509.01 DISORDERLY CONDUCT.**

(a) No person shall, in a public place, a mobile home park, a public parking area, a common area of an apartment building or dormitory, or a common area of a privately owned commercial shopping center, mall or other group of commercial retail establishments, disturb the peace of others by violent, profane, indecent or boisterous conduct or language or by the making of unreasonably loud noise that is intended to cause annoyance or alarm to another person, and who persists in such conduct after being requested to desist by a law-enforcement officer acting in his lawful capacity.

(b) For purposes of this section:

- (1) "Mobile home park" means a privately-owned residential housing area or subdivision wherein the dwelling units are comprised mainly of mobile homes and wherein the occupants of such dwelling units share common elements for purposes of ingress and egress, parking, recreation and other like residential purposes.
- (2) "Mobile home" means a moveable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for year-round occupancy. The term includes:
  - A. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity, and
  - B. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.
- (3) "Public parking area" means an area, whether publicly or privately owned or maintained, open to the use of the public for parking motor vehicles.  
(WVaC 61-6-16)

**509.02 LOITERING ON SCHOOL PROPERTY.**

No person, not a student in regular attendance, shall loiter in or about any school, school building or school grounds in violation of any posted rules or regulations governing the use of any such school without written permission from the principal.

(WVaC 61-6-14a)

**509.03 WEARING MASKS, HOODS OR FACE COVERINGS.**

(a) Except as otherwise provided in this section, no person, whether in a motor vehicle or otherwise, while wearing any mask, hood or device whereby any portion of the face is so covered as to conceal the identity of the wearer, shall:

- (1) Come into or appear upon any walk, alley, street, road, highway or other thoroughfare dedicated to public use;
- (2) Come into or appear in any trading area, concourse, waiting room, lobby or foyer open to, used by or frequented by the general public;
- (3) Come into or appear upon or within any of the grounds or buildings owned, leased, maintained or operated by the State or Municipality;
- (4) Ask, request, or demand entrance or admission to the premises, enclosure, dwelling or place of business of any other person within this Municipality; or
- (5) Attend or participate in any meeting upon private property of another unless written permission for such meeting has first been obtained from the owner or occupant thereof.

(b) The provisions of this section do not apply to any person:

- (1) Under sixteen years of age;
- (2) Wearing a traditional holiday costume;
- (3) Engaged in a trade or employment where a mask, hood or device is worn for the purpose of ensuring the physical safety of the wearer;
- (4) Using a mask, hood or device in theatrical productions, including use in mardi gras celebrations or similar masquerade balls;
- (5) Wearing a mask, hood or device prescribed for civil defense drills, exercises or emergencies; or
- (6) Wearing a mask, hood or device for the sole purpose of protection from the elements or while participating in a winter sport.

(WVaC 61-6-22)

**509.99 PENALTY.**

(EDITOR'S NOTE: See Section 501.99 for general Code penalty if no specific penalty is provided.)

(a) Whoever violates Section 509.01 shall be fined not more than one hundred dollars (\$100.00).

(WVaC 61-6-16)

(b) Whoever violates Section 509.02 shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than thirty days, or both, for a first offense. For a second or subsequent offense, such person shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.

(WVaC 61-6-14a)