

The Code of the Town of Burkeville, Virginia, as amended

**ORDINANCE PROVIDING FOR THE ADOPTION OF
THE CODE OF THE TOWN OF BURKEVILLE, VIRGINIA**

An ordinance adopting a revision and codification of the ordinances of the Town of Burkeville, Virginia, entitled "The Code of the Town of Burkeville, Virginia", providing for the repeal of certain ordinances not included therein, with certain exceptions, and for other purposes hereinafter set out.

Be it ordained by the Town Council of the Town of Burkeville, Virginia:

Section 1. There is hereby adopted by the Town Council that certain Code entitled "The Code of the Town of Burkeville, Virginia", containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Titles 1 to 9, both inclusive, of which Code copies have been and are now filed in the office of the Town Clerk.

Section 2. The provisions of such Code shall be in force on and after October 14, 2021, and all ordinances of a general and permanent nature adopted on final reading and passage on or before September 14, 2021, and not contained in such Code are hereby repealed from and after October 14, 2021, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before September 18, 1981; nor shall it affect any prosecution suit or proceeding pending or any judgment rendered prior to September 18, 1981; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the Town or authorizing the issue of any bonds of the Town or any evidence of the Town's indebtedness or any contract or obligation assumed by the Town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the Town Council on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the Town's officers or employees; nor shall it affect any ordinance annexing territory to the Town; nor shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance relating to zoning; nor shall it affect any ordinance adopted on final reading and passage after September 14, 2021.

Section 4. (a) Whenever in the Code adopted by this ordinance or in any ordinance of the Town or rule or regulation promulgated by an officer, board or commission or agency thereof under authority vested by law or ordinance, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the violation of any such provision of the Code adopted by this ordinance or such ordinance, rule or regulation shall be punished as follows, except as otherwise provided in (b) of this section:

(1) Whenever an act or offense, or the failure to do any act, is declared to be a Class I misdemeanor, such act or offense shall be punished by a fine of not more than one thousand dollars or confinement in jail for not more than twelve months, or both such fine and imprisonment.

(2) Whenever an act or offense, or the failure to do any act, is declared to be a Class II misdemeanor, such act or offense shall be punished by a fine of not more than five hundred dollars or confinement in jail for not more than six months, or both such fine and imprisonment.

(3) Whenever an act or offense, or the failure to do any act, is declared to be a Class III misdemeanor, such act or offense shall be punished by a fine of not more than five hundred dollars.

(4) Whenever an act or offense, or the failure to do any act, is declared to be a Class IV misdemeanor, such act or offense shall be punished by a fine of not more than one hundred dollars.

Section 4. (b) Whenever a provision in the Code adopted by this ordinance or other ordinance of the Town prescribes punishment by stating that the act or offense, or the failure to do any act, is a misdemeanor, or that it is punishable as provided for in subsection (a) of this section, or no specific penalty is provided therefor, the act or offense, or failure to do any act, shall be deemed to be a Class I misdemeanor. Acts or offenses, or failure to do any act, defined by the various provisions of the Code adopted by this ordinance, for which punishment is prescribed without specification as to the class of the offense, act, or failure to act, shall be punished according to the provisions prescribing the punishment.

Section 4. (c) Except where otherwise provided, each day any violation of the Code adopted by this ordinance, or of any such ordinance, rule or regulation shall continue shall constitute a separate offense.

Section 5. It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

(Accepted at meeting of September 14, 2021.)