

# TITLE 1

## General Provisions

State Law Reference: Similar state laws on use and construction, Va. Code, Sec. 1-202 et seq.; Adoption of ordinances and resolutions generally; amending or repealing ordinances, Sec. 15.2-1427.

Chapter 1 Use. and Construction; Penalties

### CHAPTER 1

#### Use and Construction; Penalties

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Sec. 1-1-1 How code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of Burkeville, Virginia, 2021" and may be so cited. Such ordinances may also be cited as "Burkeville Town Code."

Sec. 1-1-2 Rules of construction and definitions.

In the interpretation and construction of this code, and of all ordinances and resolutions of the town, the following rules of construction and definitions shall be observed unless they are inconsistent with the manifest intent of the council or the context clearly requires otherwise.

Charter The word "charter" shall mean the Burkeville Charter, 1972, as amended from time to time.

Computation of time Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Council Wherever the word "council" is used, it shall be construed to mean "the Council of the Town of Burkeville."

County The word "county" shall be construed as if the words "of Nottoway" followed it.

Gender A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Health officer The words "health officer" shall mean the health director of the Nottoway County Health Department or his duly authorized agent.

Joint authority Words purporting to give authority to three or more officers of other persons shall be construed as giving such authority to a majority agent or representative.

May; shall The word "may" is permissive. The word "shall" is mandatory.

Month The word "month" shall mean a calendar month.

Municipality The word "municipality" shall be construed to mean the Town of Burkeville.

Number A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

Oath The word “oath” shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.

Owner The word “owner, “applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

Person The word “person” may extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Preceding, following The words “preceding” and “following” mean next before and next after, respectively.

Sidewalk The word “sidewalk” shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

State The word “state” shall be construed as if the words “of Virginia” followed it.

Street The word “street” shall mean avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the town, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the town council.

Swear, sworn The words “swear” or “sworn” shall be equivalent to the words “affirm” and “affirmed” in all cases in which by law an affirmation may be substituted for an oath.

Tenant The words “tenant” or “occupant” applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or part of such building or land, either alone or with others.

Time Words used in the past or present tense include the future as well as the past and present.

Town The word “town” shall be construed as if the words “of Burkeville” followed it.

Written, in writing The words “written” or “in writing” shall be construed to include a representation of words, letters or figures, whether by printing or otherwise.

Year The word “year” shall mean a calendar year.

Other words The rules of construction given in sections 1-200 to 1-257, Code of Virginia, shall govern, so far as applicable, the construction of all other words not defined in this section.

#### Sec. 1-1-3 Catchlines of sections.

The catchlines of the several sections of this code printed in underscored type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

#### Sec. 1-1-4 Provisions considered as continuations of existing ordinances.

The provisions appearing in this code, so far as they are the same in substance as ordinances previously adopted, by the council, shall be considered as continuations thereof and not as new enactments.

#### Sec. 1-1-5 Severability of parts of code.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

Sec. 1-1-6 Amendments to code.

(a) All ordinances passed subsequent to this code of ordinances, which amend, repeal or in any way affect this code of ordinances, may be numbered in accordance with the numbering system of this code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, the repealed portions may be excluded from the code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of the subsequent ordinances until the time that this code of ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances.

(b) Amendments to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in the following language: "That section \_\_\_\_\_ of the Code of Ordinances, Town of Burkeville, Virginia, is hereby amended to read as follows: ..." The new provisions shall then be set out in full as enacted.

(c) In the event a new section not heretofore existing in the code is to be added, the following language may be used: "that the Code of Ordinances, Town of Burkeville, Virginia, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section reads as follows: ..." The new section shall then be set out in full as enacted.

(d) In lieu of the foregoing paragraph, when the governing authority desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the code, but which the governing authority desires to incorporate into the code, a provision in substantially the following language may be made a part of the ordinance: "It is the intention of the council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances of the Town of Burkeville, Virginia, and the sections of this ordinance maybe renumbered to accomplish that intention."

(e) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Sec. 1-1-7 Altering code.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with the code in any manner whatsoever, which will cause the law of the Town of Burkeville to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in section 1-1-8 of this code.

Sec. 1-1-8 Penalties for violations: continuing violations.

(a) Whenever in this code or any other ordinance of the town or any rule or regulation promulgated by any officer or agency of the town, under authority duly vested in such officer or agency, it is provided that a violation of, any provision thereof shall constitute a class 1, 2, 3, or 4 misdemeanor, such violation shall be punished as follows:

- (1) Class 1 misdemeanor: by a fine of not more than \$1,000, or by confinement in jail for not more than 12 months, or by both such fine and confinement.
- (2) Class 2 misdemeanor: by a fine of not more than \$500, or by confinement in jail for not more than six (6) months, or by both such fine and confinement.
- (3) Class 3 misdemeanor: by a fine of not more than \$500.

(4) Class 4 misdemeanor: by a fine of not more than \$100.

(b) Whenever in any provision of this code or in any other ordinance of the town or any rule or regulation promulgated by an officer or agency of the town, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a class 1 misdemeanor and be punished as prescribed in subsection (a)(1) above.

(c) Each day any violation of this code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

State Law Reference: Classification of misdemeanors and punishment therefor, Va. Code, Secs. 18.2-9 and 18.2-11; authority of town to provide penalties for violation of ordinances, Va. Code, Sec. 15.2-1429.