

# CHAPTER 01 – GENERAL PROVISIONS

## **Sec. 1-1. – Designation and citation of Code.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the “Code of Ordinances, County of Orange, Virginia,” and may be so cited.

*State law reference– Authority to codify ordinances, admissibility of Code as evidence in courts, Code of Virginia, § 15.2-1433.*

## **Sec. 1-2. – Definitions and rules of construction.**

In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the board of supervisors or the context clearly requires otherwise:

*Board of supervisors.* The term “board of supervisors” means the board of supervisors of the County of Orange, Virginia.

*Code.* The term “Code” means and refers to this Code of Ordinances, County of Orange, Virginia.

*Code of Virginia.* The term “Code of Virginia” means the Code of Virginia, 1950, as amended, including the latest edition or supplement unless otherwise indicated.

*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, may be counted in computing the time; but when a notice is required to be given, or other act to be done,

within a certain time after any event or judgment, that time shall be allowed in addition to the day on which the event or judgment occurred. When the last day for any act to be done falls on a Saturday, Sunday or legal holiday, or any day on which the county offices are closed, the act may be done on the next day that is not a Saturday, Sunday or legal holiday, or day on which the county offices are closed.

*County.* The term "county" shall be construed as if the words "of Orange, Virginia," followed it.

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

*Highway; street.* The terms "highway" and "street" include highways, streets, avenues, boulevards, roads, alleys, walkways, lanes, viaducts, bridges and approaches and all other public ways in the county and shall mean the entire width between the abutting property lines.

*Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*May.* The term "may" is permissive.

*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 term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

*Officers, employees, departments, boards, commissions, agencies.*

Any reference to an officer, employee, department, board, commission or agency shall be construed as if followed by the words "of the County of Orange, Virginia."

*Person.* The term "person" may extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

*Preceding; following.* The terms "preceding" and "following" mean next before and next after, respectively.

*Shall.* The term "shall" is mandatory.

*State, commonwealth.* The term "state" or "commonwealth" means the Commonwealth of Virginia.

*Swear; sworn.* The terms "swear" and "sworn" are equivalent to the terms "affirm" and "affirmed" in all cases in which by law an affirmation may be substituted for an oath.

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

*Year.* The term "year" means a calendar year.

State law reference— Similar provisions, Code of Virginia, § 1-13.33.

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

The catchlines of the several sections of this Code 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, or 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. 1-4. – References to chapters, articles, divisions or**

## **sections.**

All references in this Code to chapters, articles, divisions or sections shall be to those chapters, articles, divisions or sections of the Code of Ordinances of the County of Orange, Virginia, unless otherwise specified.

### **Sec. 1-5. – History notes.**

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the sections.

### **Sec. 1-6. – Editor's notes and reference notes.**

The editor's notes, cross references and state law references in this Code are not intended to have any legal effect but are merely intended to assist the user of this Code.

### **Sec. 1-7. – Code does not affect prior offenses or rights.**

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

### **Sec. 1-8. – Provisions considered as continuation of existing Code and ordinances.**

The provisions appearing in this Code, so far as they are the same as those of the ordinances included in this Code, shall be considered as continuations and not as new enactments.

### **Sec. 1-9. – Repeal of ordinance does not revive former ordinances.**

When an ordinance that has repealed another ordinance shall

itself be repealed, the previous ordinance shall not be revived without express words to that effect.

**Sec. 1-10. – Ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect the following when not in conflict with the Code:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(2) Any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this Code.

(3) Any ordinance or resolution promising or guaranteeing the payment of money or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness or any contract or obligation assumed by the county.

(4) Any annual tax levy.

(5) Any right or franchise conferred by ordinance or resolution on any person.

(6) Any ordinance adopted for purposes which have been consummated.

(7) Any ordinance which is temporary, although general in effect, or special, although permanent in effect.

(8) Any ordinance relating to the personnel or the compensation of the county's officers or employees.

(9) Any ordinance naming, renaming, opening, accepting or vacating streets, alleys, easements or rights-of-way in the county.

(10) Any ordinance relating to zoning, rezoning or the zoning map.

(11) Any ordinance not in conflict with this Code which:

a. Establishes a vehicular speed limit.

b. Establishes a one-way street or alley.

c. Designates a through street.

d. Designates a truck route to be followed by trucks passing through the county.

e. Designates intersections at which "stop" or "yield" signs are to be maintained.

f. Prohibits, limits or restricts the parking of vehicles in any respect.

g. Establishes any taxicab stand, bus stop, school zone or other zone relating to vehicular traffic or the stopping, standing or parking of vehicles.

h. Directs that any traffic control sign, signal or marking or other traffic control device be installed or maintained.

(12) Any ordinance regarding bond or indebtedness.

(13) Any ordinance regarding appropriations.

(14) Any ordinance accepting or vacating any subdivision plat.

(15) Any ordinance regarding improvements and assessments.

All such ordinances shall be on file in the county offices.

**Sec. 1-11. – Amendments to Code; effect of new ordinances; amendatory language.**

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in the Code. In the case of repeal of chapters, sections and subsections, or any part, by subsequent ordinances, such repealed portions may be excluded from the Code by their omission from affected reprinted pages. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the board of supervisors to make the addition or amendment a part of this Code, shall be deemed to be incorporated in the Code, so that a reference to the Code shall be understood and intended to include such additions and amendments.

(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 substantially the following language: "That section \_\_\_\_\_ of the Code of Ordinances, County of Orange, Virginia, is hereby amended to read as follows:...." The new provisions shall then be set out in full as enacted.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, County of Orange, 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) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

#### **Sec. 1-12. – Supplementation of Code.**

(a) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by

the board of supervisors. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the board of supervisors or adopted by initiative and referendum during the period covered by the supplement and all changes made by the supplement in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by their omission from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions.

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in catchlines, headings and titles.

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ through \_\_\_\_\_." The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code.

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**Sec. 1-13. – Disposition of fines and costs.**

(a) All fines and costs collected under the terms of this Code or other county ordinances shall be paid over to the treasurer of the county and credited to the county general revenue fund.

(b) Costs shall be taxed in prosecution under this Code or other county ordinances in the same amounts and in the same manner as prescribed by law in misdemeanor cases under the Code of Virginia, as amended.

**Sec. 1-14. – Severability of parts of Code.**

It is the intention of the board of supervisors 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 or 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 Code.

**Sec. 1-15. – General penalty; continuing violations;**

## **classification of offenses.**

(a) Whenever in this Code, or in any ordinance of the county or rule or regulation promulgated by an officer, board, commission or agency of the county 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 this Code, ordinance, rule or regulation shall be punished as follows, except as otherwise provided in subsection (b) of this section:

(1) Whenever an act or offense, or the failure to do any act, is declared to be a class 1 misdemeanor, such act or offense shall be punished by a fine of not more than \$2,500.00 or confinement in jail for not more than 12 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 2 misdemeanor, such act or offense shall be punished by a fine of not more than \$1,000.00 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 3 misdemeanor, such act or offense shall be punished by a fine of not more than \$500.00.

(4) Whenever an act or offense, or the failure to do any act, is declared to be a class 4 misdemeanor, such act or offense shall be punished by a fine of not more than \$250.00.

(b) Whenever a provision in this Code or other ordinance of the county 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 this section, or no specific penalty is provided, the act or offense, or failure to do any act, shall be deemed to be a class 1 misdemeanor. Acts or offenses, or failure to do any act, defined by the various provisions of this Code, 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; but such penalty shall not exceed the penalty prescribed by general law for the same offense.

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