PART I

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 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 Ordinances of the County of Craig, Virginia," and may be so cited. Such Code may also be cited "Craig County Code."

State law references—Authority of county to codify ordinances, Code of Virginia, § 15.2-1433; admissibility of Code as evidence in courts, Code of Virginia, § 15.2-1433.

Sec. 1-2. Definitions and rules of construction.

Unless otherwise specifically provided in this Code, in the construction of this Code and of all other ordinances of the county, the following definitions and rules of construction 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. Wherever the term "board of supervisors" is used, such term shall be construed to mean the Board of Supervisors of the County of Craig, Virginia.

Code. The term "Code" shall mean the Code of Ordinances of the County of Craig, Virginia.

Code of Virginia. Whenever the term "Code of Virginia" is used, such term shall refer to the Code of Virginia, 1950, as amended, and including all amendments adopted hereafter unless otherwise indicated.

Computation of time. Whenever a notice is required to be given or an act to be done in 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.

State law reference—Similar provisions, Code of Virginia, § 1-13.3.

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

County clerk's office. Whenever the term "county clerk's office" is used, such term shall be construed to mean the clerk's office of the circuit court of the county.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or employee to designate, delegate, and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

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.

State law reference—Similar provisions, Code of Virginia, § 1-13.7.

Highway. The term "highway" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, publicly maintained parking lots, and all other public ways in the county.

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

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; and 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.
State law reference—Similar provisions, Code of Virginia, § 1-13.15.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.
State law reference—Similar provisions, Code of Virginia, § 1-13.16.

Officer, department, employee, board, committee, commission, etc. Whenever reference is made to an officer, department, employee, board, committee, commission, etc., it shall be deemed to refer to an officer, department, board, committee, commission, etc., of the County of Craig, Virginia.

Owner. The term "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 a part of such building or land.

Person. The term "person" may extend and be applied to associations, firms, partnerships, and bodies politic and corporate as well as to individuals.
State law reference—Similar provisions, Code of Virginia, § 1-13.19.

Preceding and *following.* The terms "preceding" and "following" mean next before and next after, respectively.
State law references—Similar state law definition of "preceding," Code of Virginia, § 1-13.23; state law definition of "following," Code of Virginia, § 1-13.6.

Shall. The term "shall" is mandatory.

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

State and *commonwealth.* The terms "state" and "commonwealth" shall mean the Commonwealth of Virginia.

Swear and *sworn.* The terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed" in all cases in which by law an affirmation may be substituted for an oath.
State law reference—Similar provisions, Code of Virginia, § 1-13.28.

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

Written and *in writing*. The terms "written" and "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

State law reference—Similar provisions, Code of Virginia, § 1-13.32.

Year. The term "year" shall mean a calender year.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code, printed in boldface 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 or 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.

State law reference—Headlines of sections of statutes, Code of Virginia, § 1-13.9.

Sec. 1-4. History and source notes.

The history or source 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 section.

Sec. 1-5. Editor's notes, cross references, and state law references.

Editor's notes, cross references, and state law references that appear after sections or subsections of this Code, or that otherwise appear in footnote form, are provided for the convenience of the user of this Code and have no legal effect.

Sec. 1-6. References to chapters, articles, divisions, or sections.

All references to chapters, articles, divisions, or sections are to the chapters, articles, divisions, and sections of this Code unless otherwise specified.

Sec. 1-7. Provisions considered continuations of prior ordinances.

The provisions of this Code, so far as they are in substance the same as the provisions of county ordinances existing on the date of the adoption of this Code, shall be considered to be continuations of such ordinances and not new enactments.

Sec. 1-8. Provisions considered as continuation of existing ordinances.

The ordinances appearing in this and the following chapters and sections, so far as they are the same as the ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

Sec. 1-9. Ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:

(1) Promising or guaranteeing the payment of money by or to the county 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.

(2) Appropriating funds or establishing or relating to the annual budget.

(3) Imposing taxes which are not inconsistent with this Code.

(4) Establishing positions, classifying employees or setting salaries and any personnel regulations or benefits.

(5) Any right of franchise granted by the county.

(6) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, or vacating any street or public way.

(7) Providing for local improvements and assessing taxes for such improvements.

(8) Prescribing through streets, parking prohibitions, parking limitations, one-way streets, speed limits, load limits, or loading zones not inconsistent with this Code.

(9) Which rezones specific property.

(10) Dedicating, accepting, or rejecting any plat or subdivision.

(11) Which is special although permanent.

(12) Which is temporary, although general.

(13) Whose purposes have not been consummated.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code and are on file in the county clerk's office.

Sec. 1-10. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-11. Code does not affect prior offenses, rights, etc.

(a) 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.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the county in effect on the date of adoption of this Code.

Sec. 1-12. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code of Ordinances that 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 in this Code. In the case of repealed chapters, sections, and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the board of supervisors.

(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 of the County of Craig, Virginia, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(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 of the County of Craig, Virginia, is hereby amended by adding a section, to be numbered _____, which such section reads as follows: . . . ." The new section shall then be set out in full as desired.

(d) 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.

State law reference—Procedure for adoption of ordinances, Code of Virginia, § 15.2-1427.

Sec. 1-13. 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 county. 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 thereby in the Code during the period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which 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 the adoption of the latest ordinance included in the supplement.

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

(c) When preparing a supplement to this Code, the codifier, meaning the person, agency, or organization 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; and

(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. 1-14. Severability of parts of Code.

It is hereby declared to be 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; classification of misdemeanors.

(a) Within this Code, misdemeanors are classified, for the purposes of punishment and sentencing, into four classes as follows:

(1) Class 1 misdemeanor.

(2) Class 2 misdemeanor.

(3) Class 3 misdemeanor.

(4) Class 4 misdemeanor.

(b) The authorized punishment for conviction of each class of misdemeanor is as follows:

(1) For a class 1 misdemeanor, confinement in jail for not more than 12 months and a fine of not more than $2,500.00, either or both.

(2) For a class 2 misdemeanor, confinement in jail for not more than six months and a fine of not more than $1,000.00, either or both.

(3) For a class 3 misdemeanor, a fine of not more than $500.00.

(4) For a class 4 misdemeanor, a fine of not more than $250.00.

(c) Unless otherwise provided, whenever in this Code or in any ordinance or resolution of the county, or any rule or regulation or order promulgated by any officer or agency of the county under authority duly vested in him or it, any act is prohibited or is 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, and no specific class of misdemeanor or penalty is provided for the violation thereof, the violation of such provision of this Code or of any such ordinance, resolution, rule, regulation or order shall be punished as a class 1 misdemeanor as defined in this section. However, such penalties shall not exceed those penalties prescribed by general law for like offenses.

(d) Each day such violation continues shall be a separate offense.

State law references—Authority of county to impose penalty for violation of ordinances, Code of Virginia, § 15.2-1429; penalties for misdemeanors, Code of Virginia, §§ 18.2-11, 18.2-12; issuance of summons, etc., Code of Virginia, § 19.2-74; search warrants, etc., Code of Virginia, § 19.2-59.

Sec. 1-16. Statute of limitations.

Unless specifically provided in this Code or specifically mandated by state law, the statute of limitations in Code of Virginia, § 19.2-8 shall apply.