

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 as “The Code of the Town of Gate City, Virginia, 1979,” and may be so cited. The Code may also be cited as “Gate City Town Code.” *(Code 1950, Section 1.1)*

(For state law as to authority of town to codify ordinances see Code of Virginia, Section 15.1-37.3. As to admissibility of Code of Virginia, Section 15.1-37.3)

Sec. 1.2..... Catchlines of Sections

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of any section nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted. *(Code 1950, Section 1.4)*

(For similar state law, see Code of Virginia, Section 1-13.9)

Sec. 1.3..... Definitions and Rules of Construction

In the interpretation and construction of this Code and of all ordinances of the town, the following definitions and rules of construction shall be observed unless they are inconsistent with the manifest intent of the council or the context clearly requires other wise:

- (a) Bond -When a bond is required, an undertaking in writing shall be sufficient.
- (b) Computation of Time - The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is Sunday or a legal holiday, that day shall be excluded. *(For state law as to computation of time, see Code of Virginia 1-12.3)*
- (c) Council - The words “council” or “the council” shall mean the council of the **Town of Gate City located in the** County of Scott, Virginia.
- (d) County - The words “county” or “the county” shall mean the County of Scott in the State of Virginia.
- (e) Gender - Words importing **the masculine any** gender shall include the **masculine, feminine and the** neuter.

- (f) Health Officer - The words “health officer” shall mean the health director or sanitarian of Scott County, Virginia.
- (g) In the Town - The words “in the town” shall mean any territory jurisdiction of which for the exercise of its regulatory power has been conferred on the town by public or private law.
- (h) 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. *(For similar state law, see Code of Virginia Section 1-13.1)*
- (i) Month - The word “month” shall mean a calendar month. *(For similar state law, see Code of Virginia Section 1-13.13)*
- (j). Number - A word importing the singular only shall extend and be applied to several persons and things and a word importing the plural only may apply to one person or thing. *(For similar state law, see Code of Virginia, Section 1-13.15)*
- (k) Oath - The word “oath” shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and, in such cases, the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed”. *(For similar state law, see Code of Virginia Section 1-13.16)*
- (l) Occupant - The word “occupant” applied to a building or land shall mean any person who holds a written or oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.
- (m) Official Time Standard - Whenever particular hours are specified in this Code relating to the time within which any act shall or shall not be performed by any person the time applicable shall be official standard time or daylight savings time, whichever may be in current use in the town.
- (n) Owner - The word “owner” applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
- (o) Person - The word “person” shall include a firm, partnership, association of persons, corporation, organization or any other group acting as a unit. *(For state law definition of “person”, see Code of Virginia Section 1-13.19)*
- (p) Preceding, Following - The words “preceding” and “following” mean next before and next after, respectively.
- (q) Property - The word “property” shall mean real, personal or mixed property.
- (r) Public Grounds - The words “public grounds” shall mean the parks and all public lands owned by the town and those parts of public places which do not form traveled parts of streets as defined in this section.
- (s) Shall - The word “shall” shall be mandatory.
- (t) 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.
- (u) Signature, Subscription - The words “signature” and “subscription” shall include a mark when the person cannot write, his name being written near it and being witnessed by a person who writes his own name as a witness.

- (v) State - The words “state” or “the state” shall mean the State of Virginia.
- (w) Street - The word “street” shall include 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.
- (x) Time - Words used in the past or present tense shall include the future.
- (y) Town - The words “town” or “the town” shall mean the Town of Gate City, in the County of Scott and State of Virginia.
- (z) Written, In Writing - The words “written” and “in writing” shall include typewriting, printing on paper and any other mode of representing words and letters.
- (aa) Year - The word “year” shall mean a calendar year. *(Code 1950, Section 1-5) (For state law as to rules of construction, see Code of Virginia, Section 1.13 to 1.15.1)*

Sec. 1.4 Repeal of Ordinance or Resolution Not to Affect Liabilities

No new ordinance or resolution shall be construed to repeal a former ordinance or resolution as to any offense committed against the former ordinance or resolution or as to any act done or penalty, forfeiture or punishment incurred or as to any right accrued or claim arising under the former ordinance or resolution or in any way whatever to affect any such offense or act committed or done, penalty, forfeiture or punishment incurred, right accrued or claim arising before the new ordinance or resolution takes effect, save only that the proceedings thereafter had shall conform, so far as practicable, to the ordinance or resolution in force at the time of such proceedings. *(Code 1950, Section 1.12) (For similar state law, see Code of Virginia, Section 1-16 Section 1-4. As to adoption of ordinances generally see Section 2.1 of this Code.)*

Sec. 1.5 Repeal Not to Revive Former Ordinance or Resolution

When an ordinance or resolution which has repealed another shall itself be repealed, the previous ordinance or resolution shall not be revived without express words to that effect. *(Code 1950, Section 1.13) (For similar state law, see Code of Virginia, Section 1-17 Section 1-240. As to adoption of ordinances generally, see Section 2.1 of this Code.)*

Sec. 1.6..... Liability of Corporations, Etc., and Agents for Violations

Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.

Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this Code, where such violation was the act or omission or the result of the act, omission or order of any such person. *(Code 1950, Section 1.11)*

Sec. 1.7..... General Penalty; Continuing Violations

- (a) Whenever in this Code or in any ordinance of the city 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 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 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.~~
- (1) For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both. (*Code of VA, 18.2-11(a)*)
- (2) ~~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 or not more than five hundred dollars or confinement in jail for not more than six months or both such fine and imprisonment.~~
- (2) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000, either or both. (*Code of VA, 18.2-11(b)*)
- (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 one hundred dollars.~~
- (3) For Class 3 misdemeanors, a fine of not more than \$500. (*Code of VA, 18.2-11(c)*)
- (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.~~
- (4) For Class 4 misdemeanors, a fine of not more than \$250. (*Code of VA, 18.2-11(d)*)
- (b) Whenever a provision in this Code or other ordinance of the city prescribed 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 therefore, 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 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; provided, that such penalty shall not exceed the penalty prescribed by general law for a like 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. (*For state law as to authority of city to impose penalty specified herein for violation of ordinances, see Code of Virginia, Section 15.1-901.*)

Sec. 1.8..... Provisions Considered as Continuation of Existing Ordinances

The provisions appearing in this Code, as far as they are the same as those of the ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments. (*Code 1950, Section 1.2*)

Sec. 1.9..... Severability of Parts of Code

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code. *(Code 1950, Section 1.3)*