

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this and the following titles and chapters shall constitute and be designated "The Code of the Town of Occoquan, Virginia", and may be so cited and may be referred to herein as "this code of ordinances" or "this code". Such ordinances may also be cited as "Occoquan Town Code".

(1998 Code, § 1-1)

§ 10.02 DEFINITIONS AND RULES OF CONSTRUCTION.

For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Also, 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 otherwise specifically provided or unless they are inconsistent with the manifest intent of the Town Council or the context clearly requires otherwise.

ALLEY. A permanent service right-of-way providing a secondary means of access to abutting properties, which shall be construed to include, but not be limited to, rights-of-way known as Poplar Alley, Center Lane, Cooper’s Alley, and Hill Alley.

BOND. When a bond is required, an undertaking in writing with such surety, if any, as the Town Council may direct, shall be sufficient.

CHARTER. The Charter of the town as it now exists or as it may be amended in the future.

CODE. Whenever the term “code” or “this code” is referred to without further qualification, it shall mean the Code of the Town of Occoquan, Virginia, as designated in § 10.01.

CODE OF VIRGINIA. The Code of Virginia of 1950, as now or hereafter amended.

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; and if the last day is Saturday, Sunday, or a legal holiday, that day shall be excluded.

COUNCIL or TOWN COUNCIL. The Council of the Town of Occoquan, Virginia.

COUNTY. The County of Prince William, Virginia.

FOLLOWING. When used by way of reference to any section, shall be construed to mean next following that in which such reference is made.

GENDER. A word importing the masculine gender only may extend and be applied to the feminine and neuter genders as well as to the masculine gender.

HEALTH DEPARTMENT. The Health Department of Prince William County or the duly authorized agent of such department.

HEALTH OFFICER. The Health Director of the Prince William County Health Department, or his or her duly authorized agent.

IN THE TOWN. Any territorial jurisdiction for which the exercise of its regulatory power has been conferred on the town by public or private law.

MAY. The act referred to is permissive.

MONTH. A calendar month.

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.

OATH. Includes an affirmation in all cases in which by law an affirmation may be substituted for an **OATH**.

OCCUPANT or **TENANT**. As applied to a building or land shall mean any person who holds a written or oral lease of or actually occupies the whole or part of such building or land, either alone or with others.

OFFICERS or **AGENCIES**. Whenever a reference is made to a particular officer, employee, department, board, commission, or agency, such reference shall be construed as if followed by the words “of the Town of Occoquan, Virginia”.

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 United States Eastern Standard Time, or Daylight Saving Time, whichever may be in current use in the town.

OWNER. As 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.

PERSON. Includes any individual, firm, corporation, partnership, association, company, business, trust, joint venture, organization, or other legal entity, by whatever term customarily known.

PRECEDING. When used by way of reference to any section, shall be construed to mean next preceding that in which such reference is made.

PROPERTY. Includes any real and personal property and any right or interest therein.

PUBLIC GROUNDS. The parks and all public lands owned by the town, and those parts of public places which do not form traveled parts of streets.

SHALL. The act referred to is mandatory.

SIDEWALK. Any portion of a street between the curblines, or the lateral lines of a roadway where there is no curb, and the adjacent right-of-way or easement line intended for the use of pedestrians.

SIGNATURE, SUBSCRIPTION. Includes a mark when the person cannot write, his or her name being written near it and being witnessed by a person who writes his or her own name as a witness.

STATE, THE STATE, COMMONWEALTH, or THE COMMONWEALTH. The Commonwealth of Virginia.

STREET. Includes avenues, boulevards, highways, roads, bridges, and the approaches thereto and all other public thoroughfares, but not alleys, in the town, and shall mean the entire width thereof between abutting property lines.

SWEAR or **SWORN**. Equivalent to the term **AFFIRM** or **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 shall include the future, as well as the past and present.

TOWN or **THE TOWN**. The Town of Occoquan, in Prince William County, Virginia.

VA CODE. See **CODE OF VIRGINIA.**

WRITTEN or **IN WRITING.** Includes typewriting, printing on paper, and any other mode of representing words, letters, or figures.

YEAR. Unless otherwise expressed, shall be construed to mean a calendar year; and the term “year” alone shall be equivalent to the expression “year of our Lord”.
(1998 Code, § 1-2)

§ 10.03 PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES.

The provisions appearing in this code shall be considered as continuations of the previously enacted ordinances of the town and not as new enactments.
(1998 Code, § 1-3)

§ 10.04 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 any offense committed under the ordinance repealed.
(1998 Code, § 1-4)

§ 10.05 SEVERABILITY OF PARTS OF CODE.

It is declared to be the intention of the Town Council that the sections, divisions, sentences, clauses, and phrases of this code are severable; and if any phrase, clause, sentence, division, or section of this code, or its application to any persons or circumstances, 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, divisions, and sections of this code, or their application.
(1998 Code, § 1-5)

§ 10.06 SECTION CATCHLINES AND OTHER HEADINGS.

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, 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. No provision of this code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, subchapter, section, or division.
(1998 Code, § 1-6)

§ 10.07 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.
(1998 Code, § 1-7)

§ 10.08 EDITOR'S NOTES AND REFERENCES.

The editor's notes, Charter references, 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.
(1998 Code, § 1-8)

§ 10.09 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

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

(A) Promising or guaranteeing the payment of money by or for the town or authorizing the issuance of any bonds or any evidence of indebtedness;

(B) Authorizing or otherwise relating to any contract;

(C) Granting any franchise or right;

(D) Appropriating funds, relating to any annual budget, or imposing any tax that is consistent with this code;

(E) Establishing fees that are consistent with this code;

(F) Authorizing, providing for, or otherwise relating to any public improvement;

(G) Making any assessment;

(H) Establishing, extending, or contracting the corporate limits of the town;

(I) The purposes of which have been accomplished;

(J) Which is temporary, although general in effect;

(K) Which is special, although permanent in effect; and

(L) Pertaining to Zoning Map amendments or subdivision plats; and all such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this code.
(1998 Code, § 1-9)

§ 10.10 CODE DOES NOT AFFECT PRIOR ACTS, OFFENSES, OR RIGHTS.

Nothing in this code or in 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.

(1998 Code, § 1-10)

§ 10.11 AMENDMENTS TO CODE.

(A) Amendments to any of the provisions of this code shall 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 the Town of Occoquan, Virginia (or the Occoquan Town Code), is hereby amended to read as follows: _____”. The new provisions shall then be set out in full as desired.

(B) In the event a new section not heretofore existing in the code is to be added, the following language shall be used: “That The Code of the Town of Occoquan, Virginia (or the Occoquan Town Code), is hereby amended by adding a section, to be numbered _____, which said section reads as follows: _____.” The new section shall then be set out in full as desired.

(C) All divisions, sections, subchapters, chapters, or other provisions desired to be repealed shall be specifically repealed by division, section, subchapter, or chapter number, as the case may be.

(1998 Code, § 1-11)

§ 10.12 SUPPLEMENTATION OF CODE.

(A) By contract or by town personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Town Council. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby 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 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 their omission 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 divisions;

(2) Provide appropriate catchlines, headings, and titles for sections and other divisions of the code printed in the supplement, and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other division numbers;

(4) Change the words “this ordinance” or words of the same meaning to “this chapter”, “this subchapter”, “this section”, “this division”, and the like, as the case may be, or to “sections _____ to _____” (inserting section numbers to indicate the sections of the code that 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. (1998 Code, § 1-12)

Statutory reference:

Authority to supplement code, see VA Code § 15.2-1433

§ 10.13 COLLECTION AND DISPOSITION OF FINES.

All fines and penalties imposed under this code or the ordinances of the town shall be for the use of the town, except as elsewhere provided. Fines may be collected by execution returnable within 30 days after the date of issue. The officer levying such execution shall sell the property upon which a levy has been made at auction, for cash, at some public point within the town, after advertising the time and place of such sale for ten days by posting notices at three conspicuous places within the town. (1998 Code, § 1-14)

§ 10.14 FEE CHARGED FOR PASSING BAD CHECKS TO TOWN.

Every person who shall utter, publish, or pass any check or draft to the town in payment of taxes or any other sums due that is subsequently returned for insufficient funds or because there is no account, or the account is closed, shall pay to the town for each such check or draft a fee of \$50 in addition to the tax or other sum due and for which the check or draft was uttered, published, or passed. Such fees shall be collectible and disposed of as all other fines and penalties.

(1998 Code, § 1-15) (Ord. O-2006-02, passed 11-8-2005)

Statutory reference:

Authority for above section, see VA Code § 15.2-106

§ 10.15 RIGHT OF ENTRY FOR PURPOSES OF INSPECTION.

Whenever any officer or employee of the town or of the state is required or authorized by statute, the provisions of this code, or any ordinance or rules and regulations or orders issued under this code, in order to carry out his or her duties under this code, to enter any premises or vehicle for the purpose of making an inspection or anything contained in such premises or inspection, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

(1998 Code, § 1-16)

§ 10.16 VIOLATIONS OF RULES, REGULATIONS, AND ORDERS.

Except as otherwise provided in this code, the violation of any rule, regulation, or order promulgated by any officer or agency of the town under authority vested in him, her, or it by law, the provisions of this code, or any ordinances or resolution shall be unlawful.

(1998 Code, § 1-17)

§ 10.17 LIABILITY OF ORGANIZATIONS AND AGENTS FOR VIOLATIONS.

(A) 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 that office or employment, shall in every case also be deemed to be a violation by such corporation, association, or organization.

(B) Any officer, agent, or other person acting for or employed by any corporation or unincorporated association or organization shall be subject to and liable for punishment for the violation by such corporation or unincorporated association or organization of any provision of this code, where such violation was an act, omission, or order, or the result of an act, omission, or order of any such person.

(1998 Code, § 1-18)

§ 10.99 GENERAL PENALTY.

(A) Whenever in this code or the ordinances of the town 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 or the ordinances of the town shall be deemed to be a misdemeanor and shall be punished as follows.

(1) Whenever a misdemeanor is declared to be a class 1 misdemeanor, such misdemeanor shall be punished by confinement in jail for not more than 12 months or a fine of not more than \$2,500, either or both.

(2) Whenever a misdemeanor is declared to be a class 2 misdemeanor, such misdemeanor shall be punished by a fine of not more than \$1,000 or confinement in jail for not more than six months, either or both.

(3) Whenever a misdemeanor is declared to be a class 3 misdemeanor, such misdemeanor shall be punished by a fine of not more than \$500.

(4) Whenever a misdemeanor is declared to be a class 4 misdemeanor, such misdemeanor shall be punished by a fine of not more than \$250.

(5) Whenever punishment for a misdemeanor is specifically prescribed by this code or a town ordinance without specification as to the class of the misdemeanor, such misdemeanor shall be punished according to the provisions of this code or such ordinance.

(B) Whenever the penalty for a misdemeanor is prescribed by stating that the misdemeanor is punishable as provided for in this section, or whenever no specific penalty is provided for a misdemeanor, the misdemeanor shall be deemed to be a class 1 misdemeanor.

(C) Such penalties shall not exceed the penalties prescribed by general law for a like offense.

(D) Except where otherwise provided, each day any violation of this code or the ordinances of the town shall continue shall constitute a separate offense.

(1998 Code, § 1-13)

Charter reference:

Punishment for violation of ordinances, see § 17

