

ADOPTION OF CODE

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCE OF THE TOWN OF FLOYD, VIRGINIA, ENTITLED, "THE CODE OF THE TOWN OF FLOYD, VIRGINIA, "PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, WITH CERTAIN EXCEPTIONS, AND FOR OTHER PURPOSES HEREINAFTER SET OUT.

BE IT ORDAINED by the Town Council of the Town of Floyd, Virginia.

Section 1. There is hereby adopted by the town council that certain Code entitled "The Code of the Town of Floyd, Virginia, IT containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in Chapters 1 to 18, both inclusive, of which Code not less than three copies have been and are now filed in the office of the town clerk.

Section 2. The provisions of such Code shall be in force on and after August 21, 1984 and all ordinances of a general and permanent nature heretofore adopted on final reading and passed by the town council of the Town of Floyd, Virginia, and which are not contained in such Code are hereby repealed from and after August 21, 1984, except as hereinafter provided.

Section 3. The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or for forfeiture incurred or any contract or right established or accruing before August 21, 1984; nor shall it affect prior to August 21, 1984; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issue of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town; nor shall it affect any annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance relating to the salaries of the town officers or employees; not shall it affect any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the town; nor shall it affect any ordinance relating to zoning.

Section 4. Whenever in the Code adopted by this ordinance or in any other ordinance or resolution of the town or in any rule, regulation or order promulgated by any officer or agency of the town under authority duly vested in him or it, 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 declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided therefore, the violation of any such provision of such Code or any other ordinance or resolution of the town or such rule, regulation or order shall be punished as a Class 1 misdemeanor.

Except where otherwise provided, each day any violation of such Code or any other ordinance or resolution of the town or such rule, regulation or order shall continue it shall constitute a separate offence.

Section 5. It is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance or the code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

/s/ Gino W. Williams
Mayor
Town Of Floyd

CODE OF THE TOWN OF FLOYD, VIRGINIA
CHAPTER I
GENERAL PROVISIONS

Section 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 Floyd, Virginia,” and may be so cited. Such Code may also be cited as the “Floyd Town Code.”

Section 1-2. Definitions and rules of construction.

In the construction of this Code and all ordinances and resolutions of the town, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the town council or the context clearly requires otherwise.

Generally. The rules of construction given in Sections 1—13 through 1-13.36 of the Code of Virginia shall govern, so far as applicable, the construction of all words not defined in this section or other sections of this Code.

And; or. “And” shall be construed as a conjunction, connecting words or phrases expressing the idea that latter is to be added to or taken along with the preceding. “Or” shall be construed as a disjunctive participle, used to express an alternative or to give a choice of one among two or more things.

Bond. When a bond is required, an undertaking in writing shall be sufficient. Surety may or may not be required.

Charter. The word “Charter” shall mean the Charter for the Town of Floyd, being Chapter 370 of the Acts of the Virginia General Assembly, 1973.

Code. Whenever the term “Code” or “this Code” is used without further qualification, it shall mean the “Floyd Town Code,” as designated in Section 1-1.

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 be a Sunday or a legal holiday, that day shall be excluded. See Code of Va., Section 1-13.3.

Council; town council. The term “council” or “town council” shall mean the council of the Town of Floyd, Virginia.

County. The terms “the county” and “this county” shall mean the County of Floyd in the Commonwealth of Virginia.

Gender. A word importing the masculine gender only shall

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

Person. The word “person” shall extend and be applied to individuals, associations, organizations, corporations and any other legal entity. See Code of Va., Section 1-13.19.

Preceding; following. The words “preceding” and “following” mean next before and next after, respectively. See Code of Va., Section 1—13.23 and Section 1—13.6.

Sidewalk. The word “sidewalk” shall mean any portion of the street between the curb and the adjacent property line intended for the use of pedestrians.

“Signature” or “Subscription” includes a mark when a person cannot write.

State; Commonwealth. The terms “the state,” “the Commonwealth,” “this state” and “this Commonwealth” shall be construed to mean the Commonwealth of Virginia.

State Code. References to the “State Code” or the “Code of Virginia”, shall mean the Code of Virginia, 1950, as amended.

Street. The word “street” shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public highways abutting property lines.

Swear. Sworn. The word “swear” or “sworn” shall be equivalent to the words “affirm” or “affirmed” in all cases in which, by law, an affirmation may be substituted for an oath. See Code of Va., Chapter 1-13.28.

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

Town. The words “town,” “the town” and “this town” shall mean the Town of Floyd, in the County of Floyd in the Commonwealth of Virginia.

“Written” or “in writing” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise. See Code of Va., Section 1-13.32.

Section 1-3. Catchlines of sections.

The catch lines of the several sections of this code are intended as mere catchwords to indicate the contents of the section

- (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, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code.
- (b) No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance or as to any act done, any penalty, forfeiture or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued, or claim arising before the new ordinance takes effect, save only that the proceedings thereafter had, shall conform so far as practicable, to the ordinance in force at the time of such proceedings.

Section 1-4. Miscellaneous 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 for the Town or authorizing the issuance of any bonds or any evidence of indebtedness;
- (2) Authorizing or otherwise relating to any contract;

- (3) Granting any franchise or right;
- (4) Appropriating funds, levying or imposing taxes or relating to an annual budget;
- (5) Authorizing, providing for or otherwise relating to any public improvement;
- (6) Making any assessment;
- (7) Establishing, extending or contracting the corporate limits of the Town;
- (8) Authorizing or otherwise relating to the sale or conveyance of Town property;
- (9) The purposes of which have been accomplished;
- (10) Which is temporary, although general in effect; or
- (11) Which is special although permanent in effect;

And 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.

Section 1-5. Provisions of Code considered as continuation of existing ordinances.

The provisions appearing in this Code, so far as they are the same as those of prior Town codes and ordinances adopted subsequent to such codes and include herein, shall be considered as continuations thereof and not as new enactments.

Section 1-6. Code and new ordinances do not affect prior offenses, right, etc.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offenses or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered in or before the effective date of this Code.
- (b) No new ordinance shall be construed to repeal a former ordinance as to any offense committed against a former ordinance or as to any act done, any penalty, forfeiture or punishment incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture or punishment so incurred, or any right accrued, or claim arising before the new ordinance takes effect, save only that the proceedings thereafter had, shall conform so far as practicable, to the ordinance in force at the time of such proceedings.

Section 1-7. Repeal of ordinance not to revive former ordinance.

When any ordinance which has been repealed and such repealing ordinance shall itself be repealed, the previous ordinance shall not be revived without express words to that effect and without re-adoption of the prior ordinance.

Section 1-8. 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 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 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 which have been replaced 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 divisions;
 - (2) Provide appropriate catch-lines, headings, and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catch-lines, headings, and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the new Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the word “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this division,” etc., as the case may be, or to “sections____to_____” (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the code);
 - (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any changes in the meaning or effect of ordinance material include in the supplement or already embodied in the Code.

Section 1-9. Copies of Code and supplements to be available for Public inspection.

At least two (2) copies of this Code and every supplement thereto shall be kept in the office of the town clerk and shall there be available for public inspection, during normal business hours.

Section 1-10. Severability of parts of Code.

It is hereby declared to be the intention of the town 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 or invalid by the 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.

Section 1-11. Classification of and 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.