

# **CAMPBELL COUNTY CODE OF 1988**

## **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 the County of Campbell, Virginia of 1988.” Such Code may be cited as “Campbell County Code of 1988.”

For authority of county to codify ordinances, see VA. CODE ANN. §15.2-1433 (Repl. Vol. 2008). As to admissibility of Code as evidence in courts, see last paragraph of VA. CODE ANN. §15.2-1433 (Repl. Vol. 2008). As to authority for nonsubstantive changes or corrections, see VA. CODE ANN. §15.2-1433 at second paragraph (Repl. Vol. 2008) and also VA. CODE ANN. §30-149 (Repl. Vol. 2004).

**Editor’s Note.** - Unmistakable clerical errors, misspellings and other unmistakable errors may be corrected editorially, as may consequential changes in the titles of officers, agencies, or departments made necessary by usage in statutes or ordinances of such titles, terminology and references. Unmistakable errors in cross-references to federal, state, or local statutes or ordinances that have become outdated or incorrect due to subsequent amendment to, revision, or repeal of the sections to which reference is made may be corrected editorially. Any chapter, article, division, section heading, catchline, or table within this Code may be renumbered, renamed, or rearranged within this Code when it is deemed necessary because of any disturbance or interruption of orderly or consecutive arrangement. Such nonsubstantive corrections, as well as mere updating of citations to the Code of Virginia, are not described in a separate amendment note following the affected section. However, all such minor amendments have been clearly designated in the proposed texts of affected ordinances available to the public at the time of publication of notice of the Board of Supervisors’ intention to consider adoption of such proposed amendments and have been duly adopted by the Board of Supervisors as part of the regular updating of the Campbell County Code of 1988. In the event that a Title in the Code of Virginia has been repealed and re-enacted with renumbering and substantive revisions of sections therein, a separate amendment note will be placed in this Code to indicate the change in state authority.

[THE 1988 AMENDMENT substituted “1988” for “1981” twice.]

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

In the construction of this Code and of all County ordinances, the following rules shall be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the Board of Supervisors:

**Board of Supervisors.** Wherever the term “Board of Supervisors” is used, it shall be construed to mean the Board of Supervisors of the County of Campbell, Virginia.

**Computation of time.** When an act of the General Assembly, an ordinance or rule of court requires that an act be performed a prescribed amount of time before a motion or proceeding,—the day of such motion or proceeding shall not be counted against the time allowed, but the day on which such act is performed may be counted as part of the time. When an act of the General

Assembly, an ordinance or rule of court requires that an act be performed within a prescribed amount of time after any event or judgment, the day on which the event or judgment occurred shall not be counted against the time allowed.

When the last day for performing an act during the course of a judicial proceeding falls on a Saturday, Sunday, legal holiday, or any day or part of a day on which the Clerk's office is closed as authorized by an act of the General Assembly the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the Clerk's office is closed as authorized by an act of the General Assembly.

When an act of the General Assembly specifies a maximum period of time in which a legal action may be brought and the last day of that period falls on a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, the action may be brought on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.

Any court or proceeding authorized to be adjourned from day to day shall not be required to meet on a Sunday or legal holiday.

For state law as to computation of time, see VA. CODE ANN. §1-210 (Repl. Vol. 2008).

**County.** The words "the County" shall mean the County of Campbell, in the State of Virginia.

**Gender.** A word used in the masculine includes the feminine and neuter.

For similar state law, see VA. CODE ANN. §1-216 (Repl. Vol. 2008). See also VA. CODE ANN. §2.2-3901 (Repl. Vol. 2008).

**Month.** The word "month" means a calendar month.

For similar state law, see VA. CODE ANN. §1-223 (Repl. Vol. 2008).

**Number.** A word used in the singular includes the plural and a word used in the plural includes the singular.

For similar state law, see VA. CODE ANN. §1-227 (Repl. Vol. 2008).

**Oath.** The word "oath" includes affirmation.

For similar state law, see VA. CODE ANN. §1-228 (Repl. Vol. 2008).

**Or, and.** "Or" may be read "and" and "and" may be read "or" if the sense requires it.

**Owner.** The word “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 word “person” includes any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof. Whenever the term “person” is defined to include both “corporation” and “partnership,” such term shall also include “business trust and limited liability company.”

For state law definition of “person” see VA. CODE ANN. §§1-230 and 1-231 (Repl. Vol. 2008).

**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.

**Signature or subscription.** The words “signature” or “subscription” include a mark when a person cannot write.

**State, commonwealth.** The words “State” and “Commonwealth” shall be construed as if the words “of Virginia” followed.

**Street; highway.** The word “street” shall include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the county, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Board of Supervisors. This definition shall not apply to Chapter 21 hereof, wherein the term “street” is separately defined.

**Swear, sworn.** The words “swear” or “sworn” means “affirm” or “affirmed.”

For similar state law, see VA. CODE ANN. §1-250 (Repl. Vol. 2008).

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

**Written; writing; in writing.** The words “written,” “writing,” and “in writing” include any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by VA. CODE ANN. §59.1-479 et seq. (Repl. Vol. 2006) is or is not affixed.

For similar state law, see VA. CODE ANN. §1-257 (Repl. Vol. 2008).

**Year.** The word “year” means a calendar year.

For similar state law, see VA. CODE ANN. §1-223 (Repl. Vol. 2008).

**Other words.** The rules of construction given in VA. CODE ANN. §§1-202 *et seq.* (Repl. Vol. 2008) shall govern, so far as applicable, the construction of all other words not defined in this section.

[The 1982 AMENDMENT rewrote the definition of “Computation of time.”]

[THE 1987 AMENDMENT, in the second paragraph of “Computation of time,” inserted “or by rule of the Supreme Court of Virginia,” substituted “the Clerk’s office is closed as authorized by statute” for “the Governor authorizes the closing of State offices” near the middle of the paragraph, and for “State offices are closed” at the end thereof and substituted “VA. CODE ANN. §§1-13.1 to 1-15.2” for “sections 1-13.1 to 1-15.1, Code of Virginia” in the last paragraph.]

[THE SECOND 1987 AMENDMENT, in the first paragraph of the definition of “Computation of time,” inserted “or court order” in two places.]

[THE 1988 AMENDMENT, in “Computation of time,” substituted “or rule of court” for “or court order” twice; rewrote the definition of “Person”; and, in the definition of “Street; highway,” substituted “Chapter 21” for “Chapter 20.”]

[THE FEBRUARY 2, 1998 AMENDMENT added the second paragraph in “gender.”]

[THE AUGUST 7, 2000 AMENDMENT in the definition of “Written’ writing; writings; in writing,” substituted “‘writing,’ ‘writings,’ and” for “or,” deleted “be construed to” preceding “include,” and rewrote language following “or figures, whether” to include representations on traditional tangible media as well as representations stored and retrievable on an electronic or other medium.]

[THE JULY 2, 2001 AMENDMENT inserted “or VA. CODE ANN. §59.1-501.1 *et seq.* (Cum. Supp. 2000)” at the end of the definition of “Written;...”]

[THE JUNE 17, 2002 AMENDMENT substituted “§59.1-479 *et seq.* (Repl. Vol. 2001)” for prior citations in the definition of “Written; . . .”]

[THE JULY 7, 2003 AMENDMENT added the second sentence in “Person.”]

[THE JUNE 5, 2006 AMENDMENT, in the definition of “*Computation of time,*” divided the first paragraph into two sentences, and, in the first sentence, inserted “an act of the General Assembly,” substituted “that an act be performed a prescribed amount” for “a notice to be given, or any other acts to be done, a certain,” “a motion” for “any motion,” and “the day of such motion or proceeding . . .” for “there must be that time, exclusive of the day for such motion or proceeding, but the day on which such notice is given, or such act is done”; and in the second sentence, substituted “When an act of the General Assembly” for “but when” and substituted “that an act be performed . . .” for “a notice

to be given or any 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”; in the second paragraph, substituted “for performing an act during the course of a judicial proceeding” for “fixed by ordinance, or by rule of the Supreme Court of Virginia for commencement of any proceeding, for any paper to be served, delivered or filed, or for any other act to be done in the course of any proceeding under this Code,” inserted “or part of a day” twice, substituted “an act of the General Assembly” for “statute” twice, and substituted “the act may be performed” for “the proceeding may be commenced, the paper may be served, delivered or filed and the act may be done”; and added the third paragraph. The amendment also, in the definition of “*Gender*,” revised the provisions of the present first paragraph for simplicity and deleted the second paragraph, which provisions are now at VA. CODE ANN. §2.2-3901; in the definition of “*Month*” and “*Year*,” substituted “means” for “shall mean” or for “shall be construed to mean”; in the definitions of “*Number*” and “*Oath*,” revised the provisions for simplicity; in the definition of “*Person*,” in the first sentence, substituted “includes” for “shall include,” “cooperative, limited liability company” for “company, business,” “government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof” for “; or other legal entity”; and in the second sentence, substituted “also included” for “be deemed to include” and added “and limited liability company.” The amendment also deleted the definition of “*Preceding, following*”; revised the definition of “*Swear, sworn*” for simplicity; in the definition of “*Written, writing, in writing*,” deleted “writings” preceding “in writing” and deleted “shall” preceding “include”; and updated the citation at “*Other words*.”]

[THE JULY 20, 2009 AMENDMENT added the second last paragraph to the definition of “Computation of time.”]

### **Sec. 1-3. Provisions considered as continuations of existing ordinances.**

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

See VA. CODE ANN. §1-238 (Repl. Vol. 2008).

### **Sec. 1-4. 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, by the valid final judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Code which can be given effect without the invalid provisions or applications. The provisions of all ordinances are severable unless (i) the ordinance specifically provides that its provisions are not severable; or (ii) it is apparent that two or more ordinances or provisions must operate in accord with one another. (11-15-82)

For similar state law, see VA. CODE ANN. §1-243 (Repl. Vol. 2008).

[THE 1982 AMENDMENT inserted “final” following “valid in the third line.]

[THE 1988 AMENDMENT added “which can be given effect without the invalid provisions or applications” in the first sentence and added the second sentence.]

**Sec. 1-5. Catchlines of sections.**

The catchlines of the several sections of this Code 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 the sections, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

For similar state law, see VA. CODE ANN. §1-217 (Repl. Vol. 2008). See also VA. CODE ANN. §1-244 (Repl. Vol. 2008).

**Sec. 1-6. Classification of and penalties for violations; general penalty; continuing violations; injunctive relief.**

(a) Whenever in this Code or in any other ordinance of the County or any rule or regulation promulgated by any officer or agency of the County, 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 be punished as follows:

- (1) For Class 1 misdemeanors, confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both.
- (2) For Class 2 misdemeanors, confinement in jail for not more than six (6) months and a fine of not more than one thousand dollars (\$1,000.00), either or both.
- (3) For Class 3 misdemeanors, a fine of not more than five hundred dollars (\$500.00).
- (4) For Class 4 misdemeanors, a fine of not more than two hundred fifty dollars (\$250.00).

(b) Whenever in any provision of this Code or in any other ordinance of the County or any rule or regulation promulgated by an officer or agency of the County, under authority duly vested in such officer or agency, 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, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanors, such violation shall be punished by a fine or imprisonment or by both such fine and imprisonment, not exceeding the penalty provided in general law of the Code of Virginia or in subsection (a) of this section for the violation of a Class 1 misdemeanor.

(c) Notwithstanding any other provision of this section or any other section of this Code, no penalty for a violation of this Code or other ordinance, rule or regulation of the County shall exceed that prescribed by the general law for a like offense.

(d) Such fines or other punishments for violations of ordinances shall be enforced by proceedings as if such violations were misdemeanors.

(e) Each day any violation of this Code or any other ordinance or any rule or regulation of the County shall continue shall constitute a separate offense, except where otherwise provided, and except where such a penalty would be inconsistent with the Constitution and laws of the United States or of the State of Virginia.

(f) The imposition of any penalty, pursuant to this or any other provision of this Code, shall not prohibit the County in any proper case from seeking equitable relief in any court of competent jurisdiction to enjoin the violation of any provision of this Code or any other County ordinance.

For state law as to authority of Board of Supervisors to prescribe penalties for violation of ordinances, see VA. CODE ANN. §15.2-1429 (Repl. Vol. 2008). As to penalties for misdemeanors, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2004) and §18.2-12 (Repl. Vol. 2004). See also VA. CODE ANN. §1-248 (Repl. Vol. 2008). For authority as to injunctive relief, see VA. CODE ANN. §15.2-1432 (Repl. Vol. 2008).

Cross-references: As to penalties for violations of Uniform Statewide Building Code, see §5-7 of this Code. As to penalties for violation of erosion and sedimentation control regulations, see §8-13. As to penalties for violations of motor vehicle and traffic regulations, see §15-8. As to penalties for violations of land regulations, see §21-50.

[THE 1988 AMENDMENT added the language “and except where such penalty would be inconsistent with the Constitution and laws of the United States or of the State of Virginia” at the end of the last paragraph.]

[THE 1991 AMENDMENT deleted “not exceeding one thousand dollars” preceding “or imprisonment in the County Jail” and “not exceeding twelve months” following the same phrase in the first clause of the first paragraph, substituted phrase beginning “that not such fine” and ending “for like offenses” for “that if a lesser penalty is prescribed by the enabling legislation in the Code of Virginia of 1950, as amended, pursuant to which a section of this Code is enacted, or in a substantially similar provision of State Law, the penalty prescribed in the Code of Virginia shall apply” in the second clause of the first paragraph and inserted the second paragraph.]

[THE MAY 17, 1999 AMENDMENT in the proviso language in first paragraph, substituted “ordinances” for “a county ordinance” and “penalties provided” for “penalty provided”; and, in the second paragraph, substituted “Punishments” for “punishment,” deleted “County” preceding “ordinances”, and deleted “before a judge of the general

district court for the county in the manner and with the same right of appeal” preceding “as if such violations were misdemeanors.]

[THE JULY 5, 2005 AMENDMENT redesignated the former first paragraph as present subsection (b), inserting “any provision,” “or any rule or regulation promulgated by an officer or agency of the County under authority duly vested in such officer or agency,” substituting “any act is prohibited” for “such an act is prohibited,” inserting “or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor,” substituting “for the violation of such provision and such violating is not described as being of a particular class of misdemeanors, such violation” for “therefor, the violation of any such provision of this Code or such ordinance,” deleted “in the County Jail” following “or imprisonment,” and substituting “not exceeding . . . misdemeanor” for the first part of former proviso language; rewrote and redesignated the former second part of the proviso language as present (c); redesignated the former second paragraph as present (d); redesignated the former third paragraph as present (e), inserting “or any rule or regulation of the”; and added present subsections (a) and (f).]