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**PART I – THE CHARTER**

Article 1.1 Incorporation and Boundaries

Section 1.1. Incorporation

Be it enacted by the General Assembly of Virginia that the Town of Jonesville, in the County of Lee, as the same has been heretofore laid off into lots, streets, and alleys, is made a town corporate by the name of Jonesville and by that name may sue and be sued.

Section 1.2. Boundaries

The boundaries of the Town of Jonesville shall be as follows:

Commencing in the Harlan Road at a point directly west of the northwestern corner of Henry Martin's barn; then due west to the division line between the lands of W. E. Wynn and J. W. Orr; thence with Wynn's west line southwardly to the Town Branch; thence up said Branch to the northwest corner of W. B. Andis' lot; corner; thence eastwardly to a point one hundred yards to the Fincastle Road; thence northwestwardly to the southeastern corner of the lands of Lavina Graham; thence a straight line to the Crockett Spring; thence a straight line to the beginning.

**Article II – Powers**

Section 2.1. Powers

The Town of Jonesville shall have and exercise the powers conferred upon towns by, and subject to, the provisions of, the laws of Virginia, so far as they are consistent with this act, and shall be subject to, and governed by, all the laws now in force or which may hereafter be enacted for the government of towns containing less than five thousand inhabitants.

**Article III – Administration's Government**

Section 3.1. Government Elections

The government of said town shall be vested in a mayor and seven council members, and the elections under this charter for mayor and council members shall be held on the first Tuesday in May of every even-numbered year and those persons so elected shall qualify and enter upon the duties of their respective offices on the first day of July following their election. Any person registered to vote in the town shall be entitled to vote in elections under this act of incorporation. All officers of said town shall take the oath of office before an officer authorized to administer oaths, and should any of the officers who may be elected, refuse or fail to accept and qualify, then it shall be the duty of a majority of such town as may accept and qualify, to fill such vacancy or vacancies and any vacancy or vacancies thereafter occurring by appointment. The council shall designate the time of its meetings. (Amended 3/16/79)

Section 3.2. Administration

- (a) The mayor and the council members shall constitute the council of said town,

a majority of whom shall constitute a quorum to do business, and all the corporate powers of said town shall be exercised by said council or under its authority, except when otherwise provided by law. The mayor shall be president of the council, and shall have all the rights, powers, and privileges such office confers under the general laws governing towns within this state, but the mayor shall have no vote in the council, except in the case of a tie. In case of sickness, absence, refusal, or inability of the mayor at any time to act, the council shall designate someone of their number to act in place of said mayor and who shall have the powers conferred upon said mayor by this charter. The mayor and the council members shall hold their respective offices two years from the first day of July succeeding their election and until their successors are elected and qualified. Provided, however, those persons presently in office shall continue therein until July one. Nineteen hundred eighty. (Amended 3/16/79)

- (b) The mayor and council members of said town shall serve without compensation, further than that the mayor shall be entitled to, and may receive such fees as are not allowed by law, when he acts in the capacity of, or exercises the jurisdiction of a justice of the peace; provided, that from and after two years from the passage of this act, the town council may fix the compensation or salary which the mayor and council members are to receive during their term of office. (2/13/01)
- (c) The following named persons are hereby appointed to fill the following offices until their successors are duly elected and qualified namely: mayor, R.L. Pennington; council members, H.C. Joslyn, C.E. Couk, C.A. Russell, W.E. Orr, J.O. Gibson, L.T/ Hyatt, and A.M. Goins. Said persons are to take oath of office and to enter upon the discharge of their duties as soon after the passage of this act as practicable, which oaths may be taken before a justice of the peace or other persons authorized by law to administer oaths. (2/12/01)
- (d) All other acts and parts of acts in reference to the incorporation of the Town of Jonesville are hereby repealed. (2/13/01)

### Section 3.3. Generally

- (a) The council shall have the power to elect a treasurer. A clerk, a sergeant, and any other officers they may deem necessary for said town; to regulate their compensation, prescribe their duties, remove them from office, and require bonds with approved security for the faithful performance of their respective duties. The council shall also have the power to pass all bylaws and ordinances for the government of said town which they may deem proper, and which is not in conflict with the constitution and laws of this state and the constitution and laws of the United States; to lay off streets, walks and alleys,; to alter and change the same, to keep the same in order, and for which purposes shall have the same powers and jurisdiction for condemning lands for streets, alleys, and sidewalks that the county court has for condemning lands for roads in said county; to prevent riding or driving horses or other

animals across or along said sidewalks; to prevent engaging in any sport or employment in said town dangerous or annoying to the citizens thereof; to restrain and punish drunkenness, vagrancy, and begging in said town; to prevent vice and immorality; to preserve peace and good order; to quell disturbances and disorderly conduct and assemblages; to suppress houses of illframe and gambling; to prevent lewdness or unbecoming and immoral conduct in said town; to prevent swearing, cursing, or other unbecoming and immoral language in said town; to make regulation in reference to contagious diseases; to abate nuisances, and to punish all violations of the ordinances and bylaws of the incorporation with fine and imprisonment, or either. (2/13/01)

- (b) The council shall have the power to adopt and enforce ordinances with respect to property owned by the town immediately adjacent to the town but outside the town in all respects as if property were in the town. (3/30/62)
- (c) The council may prevent hogs, dogs, horses, cattle, or other animals from running at large within the corporate limits of said town, and may subject the same to such regulations and restrictions as it may deem proper.
- (d) In all offenses, which by general laws of the state are made misdemeanors, the mayor shall have the power in like offenses to impose like penalties, when the offense is committed in his jurisdiction, and in all other cases which is in violation of an ordinance or bylaws of said town, the mayor shall impose the penalty prescribed by said ordinance or bylaw, so that the same be not less than one nor more than twenty dollars, or thirty days imprisonment, or both, as to him may seem proper, and he may commit the offender to jail of Lee County until his judgment be satisfied, so that said commitment does not exceed sixty days.
- (e) For the purpose of carrying into effect the police regulations of said town, the town shall be allowed the use of the county jail for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances and bylaws of said town; and all persons so confined shall be under the custody and charge of the jailer of the county, who shall receive, keep, and discharge the same in the manner prescribed by the ordinances and bylaws of said town; or otherwise discharged by due course of law; provided, that said council may, if it deem expedient, require all persons sentenced to jail, or committed thereto in default of the payment of fines assessed against them, to work on the streets of said town, under such regulations and restrictions as said council may prescribe.
- (f) Said town and the persons and property therein shall be exempt and free from the payment of any and all county and district road tax, and for which exemption the said town shall keep its own streets in order and shall not be embraced in any road district of said County of Lee. And this provision shall apply to the assessment of taxes for the year nineteen hundred one.

Section 3.4. Financial Powers

- (a) For purposes of taxation the council shall provide for the annual assessment of all real and personal property within corporate limits of said town so that

said assessment be not higher than that for state purposes, and such assessment shall be the basis of taxation. (2/13/01)

- (b) The council shall have the power to levy and collect annually; a tax not exceeding three dollars on the one hundred dollars of assessed value, on all real estate and tangible personal property within the corporate limits of the town; and such tax may be authorized by the general law of the state, on intangible property owned by the residents of the town, for the purpose of raising such sums of money as the council may find necessary to defray the general expenses of the town government, and the upkeep of its properties. (Amended 2/18/74)
- (c) The council shall also have the power to impose such license tax s it may deem reasonable and proper, on any person, firm, or corporation, for the privileges of engaging in any business, occupation, trade, calling, or profession within the corporate limits of the town, for which a license tax may be imposed within the limits of the Constitution, and general law, whether the principal office of place of business of such person, firm, or corporation be in said town, or elsewhere; and the council may refuse to issue a license for carrying on of any business or occupation which would, in its opinion, be inimical to the public welfare of the town. (Amended 2/18/74)
- (d) In the taxation of real estate provided for by this charter, all lots, tracts, or parcels of land which lie partly within and partly without the incorporate limits shall be properly taxable by said incorporation.
- (e) All taxes assessed upon property, real and personal, within the corporate limits of said town, under this charter, are hereby declared a lien upon said property.

## **PART II**

### **THE CODE**

#### **CHAPTER 1**

#### **GENERAL PROVISIONS**

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Section 1.3	Certain Notices, Recognizances, and Processes Validated
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Section 1.1. Repealing Clause

All acts and parts of acts, all sections of the town ordinance, and all provisions of municipal charter, inconsistent with the provisions of this title, are, exempt as herein otherwise provided, repeals to the extent of such inconsistency.

Section 1.2. Effect of Repeal and Enactment

The repeal of prior ordinances, effective as of October One, Nineteen Hundred Seventy Five, shall not affect any act or offence done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing on or before such date, or any prosecution, suit or action pending on that day. Except as herein otherwise provided, neither the repeal nor the enactment of this title shall apply to offences shall be governed by the prior law, which is continued in effect for that purpose.

Section 1.3. Certain Notices

Any notice given, recognizance taken, or process or writ issued heretofore, shall be valid although given, taken or to be returned to a day after such date, in like manner as if this title had been effective before the same was given, taken, or issued.

Section 1.4. Definitions

- (a) The word "Court", unless otherwise clearly indicated by the context in which it appears, shall mean and include any court vested with appropriate jurisdiction under the Constitution and Laws of this Commonwealth.
- (b) The word "Judge", unless otherwise clearly indicated by the context in which it appears, shall mean and include any judge, associate judge, or substitute judge, or police justice, of any court.
- (c) The word "Motor Vehicle", "Semi trailer", and "Vehicle", shall have the respective meanings assigned to them by the Code of Virginia.

**CHAPTER 2**

**ADMINISTRATION**

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## **ARTICLE 1 – ADMINISTRATION**

### Section 1.1.1                      Municipal Elections

- (a) Time of Elections-A municipal election shall be held on the second Tuesday in May of every second year, and shall be known as municipal election for the election of council members. All other municipal elections that may be held shall be known as special municipal elections.
- (b) When State Law Applies-Nothing in the laws of the State applying to party registration, enrollment, or other party procedure, shall apply to the registration, nominations, and elections held in this town. Except as otherwise provided, registration, nominations, and elections held in this town shall be in accordance with the general laws of the State.
- (c) Method of Conducting Elections-
  - (1) The candidate at any regular municipal elections for the election of council members, equal to the number of the places to be filled, who shall receive the highest number of votes at such election, shall be declared elected.
  - (2) In any such election each elector shall be entitled to vote for as many persons as there are vacancies to be filled, and no more; and no elector shall in such election cast more than one vote for the same person.
  - (3) In counting the vote, any ballot found to contain a greater number of names for the office of council member than the number of vacancies in the council to be filled shall be void, but no ballot shall be void for containing a less number of names than is permitted hereby.
- (d) Who may Vote-The electors of the town shall be actual residents thereof and qualified to vote for members of the General Assembly.
- (e) Voting Places-All municipal elections shall be held in the voting places approved by the council. It shall be the only voting place in the town for municipal elections.

### Section 2.1.2.                      Police Department, Fire Department, and Rescue Squad Declared Integral Part of Town Safety Program

Pursuant to Sections 15.1-136.1 through 15.1-136.7 of the Code of Virginia, the town

police department, the fire department, and the rescue squad, are hereby proclaimed as official and integral parts of the safety program of the town; and as such the departments of such law enforcement, fire and rescue personnel, who might be killed in the line of duty, are entitled to the payment up to ten thousand dollars (\$10,000.00) out of the general fund of the state treasury, according to the procedure set forth in the state statutes. (1/3/77)

## **ARTICLE II – MAYOR**

### Section 2.2.1. General Powers and Duties

- (a) The mayor of the Town of Jonesville shall have all the powers and duties as prescribed by the Code of Virginia, 1950, and as amended from time to time by the General Assembly; provided, that in the event of a conflict between the town charter and the general laws of Virginia regarding the authority of the mayor, the town charter shall prevail; and in addition the mayor of Jonesville shall be a conservator of the peace within the Town of Jonesville.
- (b) The mayor of the Town of Jonesville, shall be the executive head of its municipal government. It shall be his duty to see that the bylaws and ordinances of the town are fully and faithfully executed and obeyed and the duties of the various town officers are faithfully performed. He shall see that the peace and good order are preserved and that the persons and property are protected in the town.

### Section 2.2.2. Preside Over Council

The mayor shall preside over the council and its regular meetings. In all cases of a tie vote at any meeting of the council, the mayor if presiding shall cast the deciding vote.

### Section 2.2.3. Supervising Business of the Town

The mayor shall exercise general supervision over all town rights, franchises, properties, and affairs, and shall inspect and supervise the different departments and offices and see that all the ordinances, order, and resolution of the council are duly and faithfully performed, unless otherwise ordered by the council; the mayor shall perform any other duties and have any other jurisdiction which may be conferred on him by the council and which are not inconsistent with the charter of the town and constitution of the state.

### Section 2.2.4. Not to Contract any Debt or Liability

The mayor shall not at any time, of his own motion, except in the appointment of extra police officers, contract any debt or liability for the town; but he may, as agent of the

town, after being duly authorized by the recorded vote of the majority of the vote of the council at any regular or called meeting, contract such debt or liability.

Section 2.2.5. \_\_\_\_\_ Vacancy

In case of the absence from the town or sickness of the mayor, or mayor pro tempore, the council shall, by vote of a majority present, appoint a member of the council to fill the office until the mayor may return to resume his duties or until such vacancy is otherwise properly filled.

Section 2.2.6. \_\_\_\_\_ Compensation

The mayor shall be paid an annual salary, designed by the council at its regular meeting in September, to be paid in monthly installments.

Amended 6/24/2004: The Mayor shall receive a salary of five hundred (\$500.00) dollars per month.

Section 2.2.7. \_\_\_\_\_ Appointments of Committees

The mayor, as soon as practicable after the qualification of the newly elected member(s) of the council, shall appoint the following committees:

1. A Finance Committee
2. A Water and Sewer Committee
3. A Street Committee
4. A Fire Department Committee
5. A Public Safety Committee
6. A Building and Sanitation Committee
7. A Light and Power Committee
8. An Ordinance Committee

**ARTICLE III – TOWN COUNCIL**

Section 2.3.1. \_\_\_\_\_ Terms

The council of the Town of Jonesville, Virginia, shall consist of seven members who shall be residents of the Town of Jonesville and qualified voters therein. The members shall be elected for a term of two years.

Section 2.3.2. \_\_\_\_\_ Compensation

Each council member shall be paid an annual salary, designated by the council at its regular meeting in September, to be paid in monthly installments.

Amended 6/24/2004: The Council shall receive a salary of one hundred (\$100.00) dollars per month.

Section 2.3.3. Vacancies

When any vacancy shall occur in the council by death, resignation, expulsion, or otherwise, the council by a majority vote of those present, shall elect a qualified person to fill the vacancy; but such election shall be for the unexpired term only.

Section 2.3.4. Regular Meetings

The council shall hold its regular meetings in the council chamber on the first Monday of each month.

Section 2.3.5. Special Meetings

The council may be convened in a special meeting upon the call in writing by the mayor or by any two members of the council. The mayor or by any two members of the council may thus call a special meeting of the council at any time, and written notice of such called meeting and the purpose thereof shall be given each member of council by the clerk.

Section 2.3.6. Business at Special Meeting

No business shall be transacted at a special meeting except the business for which the meeting was called except by the unanimous consent of all members of the council present.

Section 2.3.7. Quorums

The presence of the mayor and at least three council members, or in the absence of the mayor, the presence of four council members, shall be necessary to make a quorum for the transaction of business.

Section 2.3.8. Reconsideration of Vote

No vote of a former meeting shall be reconsidered or any action rescinded at a special meeting unless there be then present as many members as were present when such a vote was taken, and two thirds of all members present vote in favor thereof.

Section 2.3.9. Presiding Officers of the Council

The council shall be presided over at its meetings by the mayor, or in his absence, illness, or inability of the mayor, the president pro tempore, who shall be chosen by a majority of the council at its first meeting in September following the town election for a term of two years, or in his absence or inability, some other member of the council chosen by the majority of the council present at a regular meeting, shall possess the same power and discharge the municipal duties of the mayor during such absence, illness, or inability; and when so discharging the municipal duties of the mayor during such absence, illness, or inability the said president pro tempore, in the case of his inability, the other member of the council so chosen for the purpose, shall receive reasonable compensation to be fixed and allowed by the town council.

Section 2.3.10. Record of Proceedings

The council shall have kept an accurate record of its proceedings, bylaws, acts, ordinances, and orders, which record shall be fully indexed and open to inspection of anyone who is entitled to vote for members of the council.

Section 2.3.11. Minutes of Meetings to be Approved

At each regular meeting of the council the proceedings of the last regular meeting and all special meetings since the same shall be read to the council and shall therefore be corrected if erroneous and then be signed by the person presiding for the time being.

Section 2.3.12. Rule of Procedure

Upon the request of any member, the ayes and nays on any question shall be called and recorded in the journal. In cases of a tie vote at any meeting of the council, the mayor, if presiding, shall cast the deciding vote.

Section 2.3.13. Rules of Order

The rules of order and procedure of the council, subject to the rights of the body to suspend the same by a two thirds vote, shall be as follows:

- (a) The proceedings of the council, except as its own rules may otherwise provided, shall be governed by the rules of procedure which are used by the House of Delegates of the Commonwealth of Virginia; and no rule adopted by the council shall be suspended without the concurrence of two thirds of the members elected to the council.
- (b) The mayor, as the presiding officer, shall enforce the rules of procedure, preserve order, and decorum, and appoint all committees.
- (c) The mayor shall decide questions of order, and may, without vacating the chair, give his reasons for his decisions. From any decision of the chair an appeal may be made to the body in session, the question being "Shall the decision of the chair be

sustained?" Upon such appeal no debate shall be allowed if it refers to a question of decorum, but if it relates to the priority of business or to the relevancy or applicability of propositions, the appeal may be debated.

- (d) The mayor shall state the question and shall declare the result of the vote; he may direct, or any member may demand, a recorded vote, which shall be taken by a call of the roll.

Section 2.3.14. Compelling Attendance

After a member, at any meeting, has been recorded as present, he shall not, without permission of the mayor or the presiding officer, absent himself from such meeting until its adjournment.

Section 2.3.15. Conduct of Members

Every member shall rise and address the presiding officer before speaking, confine himself to the question before the body, avoid all personal or indecorous language, and resume his seat when he has finished. No member shall interrupt another while speaking except to rise to a point of order, the point to be briefly stated to the presiding officer.

Section 2.3.16. Committees

- (a) The members of a committee shall meet on the call of the chairperson, who shall be the first named person on the committee. A majority of the committee shall constitute a quorum to do business.
- (b) The reports of committees shall be in writing and shall be signed by a majority of its members; and the papers referred to, as well as all written opinions in reference thereto obtained from the attorney for the town, shall be returned with the report.

Section 2.3.17. Order of Business

At every regular meeting of the council the order of business shall be as follows:

1. Call of roll
2. Reading of minutes
3. Petitions and communications, to be referred without debate to the appropriate committees, after their purport has been briefly stated by the member offering the same.
4. Reports and communications from town officers
5. Reports of committees
6. Unfinished business
7. New business

The order of business shall not be departed from except by the consent of two thirds of the members of the council present.

Section 2.3.18. Vacancies of Council

Whenever from any cause a vacancy shall occur in the office of council, the council for the time being shall, by a vote of the majority present, fill it by choosing a council member from among the citizens of the town eligible to that office.

Section 2.3.19. Ordinances and Resolutions

- (a) Every proposed ordinance or resolution having the effect of an ordinance, shall be in writing, and after such readings as may be provided for by the rules, shall be voted on.
- (b) No ordinance shall be amended, suspended, or repealed except by ordinance regularly introduced in writing and passes, nor shall any section of any ordinance be amended unless the whole section be reenacted.

Section 2.3.20. Levy of Taxes, Imposing Debt

No taxes shall be levied or corporation debt be contracted unless by the affirmative vote of two third of the members elected, to the council which vote shall be ayes and nays and recorder in the journal.

Section 2.3.21. Disposing of Public Property-Franchises

No ordinance or resolution granting, leasing, Selling, or otherwise disposing of any public property or franchise, shall be valid unless passes by the recorded affirmative vote of two thirds of all members elected to the council.

Amended 2/10/04: No property to be sold by the Town of Jonesville over the price of \$25,000.00 shall be sold without having a public hearing on the matter.

Section 2.3.22. Witnesses Before Council and Committees-How Attendance Secured

The council or any committee thereof when especially authorized shall have the power to require the attendance of any person as a witness and the production by any person of all proper books and papers when in the opinion of such body, such attendance or such production is necessary and proper. Summons to attend as witnesses or procure books or papers shall be in writing signed by the presiding officer of the council or committee thereof, and shall be served in the same manner as a process to commence an action at law. Such witnesses shall be sworn by the officer presiding at such investigation. Any person failing or refusing to testify or produce such books or papers, may be summoned before the council and upon failure to give satisfactory excuse, shall be fined in a sum not less than \$25.00 nor more than \$100.00

and imprisoned for a period of time not exceeding ten days. A right of appeal shall lie to the Circuit Court of Lee County as in cases of misdemeanor.

Section 2.3.23. Town Employees

- (a) The council shall have the exclusive authority to hire such employees for the town as they in their discretion deem advisable including, but not limited to, town police officers, town manager, maintenance employees, secretarial help, and such other employees as may be needed, as directed by the said council. The council shall have the authority to regulate salaries to be paid to all town employees; to establish holidays; working hours; work schedules; and employee benefits; and shall have the exclusive authority to discharge any town employee when deemed necessary by the said council. (5/9/78)
- (b) When in exercise of the powers given in this ordinance, the council shall see fit to discharge an employee; such action shall only be taken pursuant to an established grievance procedure; until said council has adopted its own grievance procedure known as the Virginia State Grievance Procedure for Public Employees shall be followed. (5/9/79)

Section 2.3.24. Taxes

For the executions of its powers and duties the council may tax all property, both real and personal, in the said town not exempt by law from taxation, and not segregated and made subject to state taxation only by the general laws of this state.

Section 2.3.25. License Tax

- (a) The council may require a license tax for anything for which a state license tax is required, and for which under the general laws of the state a license tax may be required by a city or town and in addition thereto, within the limitations imposed by the Constitution and the laws of the state and of the United States. The council may impose a license tax on any business or thing carried on or done in the town, whether a license tax is required therefore by the state or not. This section shall not render it legal to conduct within the town any business, calling, or vocation which but for this section would be illegal.
- (b) The council may subject any person, who without having obtained a license therefore shall do any act or follow any employment or business in the town for which a license may be required by ordinances, to such fine or penalty as it is authorized to impose for any violation of its laws.

**CLERK OF COUNCIL**

Section 2.4.1. General Duties and Powers

The clerk shall attend the meetings of the council and shall keep a correct and complete record of the proceedings of the council, and he shall have charge of the preserve of records of the town and promptly and accurately index the same. He shall issue licenses.

Section 2.4.2. Custodian of the Seal

The clerk shall be the custodian of the seal of the town and shall affix to any papers to which he may be required to so affix it by any ordinance or resolution of the council or order of the mayor.

Section 2.4.3. Election of the Clerk

The clerk shall be elected for a term of two years at the first regular meeting of the council held in the September after the regular town election.

**TOWN TREASURER**

Section 2.5.1. Appointment

The treasurer of the Town of Jonesville shall be elected by the council at its first regular meeting in September, after the biannual election for a term of two years.

Section 2.5.2. General Duties

The treasurer shall receive all taxes, licenses, and other revenues and moneys belonging to the town.

Section 2.5.3. Method of Keeping Accounts

He shall so keep his books so that all receipts and disbursements and the source and character of the same may appear. They shall show the accounts between the town and each officer whose duty it is to receive or collect any moneys thereof, the condition of the sinking or other funds of the town, the condition and amounts of the floating debt of the town, and any and all other accounts and statements necessary to a true and accurate understanding of the financial affairs of the town and said books and accounts shall be open at any time to the inspection of the council or any member thereof.

Section 2.5.4. Deposit of Funds

The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct to his credit as such treasurer. He shall keep the bank books and checkbooks showing accurately the state of his accounts and every check he shall draw

shall be payable to the order of the person for whose benefit it is drawn and shall show upon its face the purpose for which it is drawn. All vouchers and checks are to be preserved.

Section 2.5.5. Virtue of Office-Town Assessor

The town treasurer shall, by virtue of his office, also be the town assessor, and he shall perform all duties in relation to the assessment of property for the purpose of levying the town taxes or levies, shall see to it that all persons, firms, and corporations chargeable with a town license tax are assessed with such license tax, and shall perform such other duties in relation to the assessment of property and other subjects of taxation as may be ordered by the town council.

Section 2.5.6. Assessor-Powers

For his performance of his duties, the assessors of the town shall be vested with all the power and authority that county commissioners of revenue are vested under the general laws of the State of Virginia, and shall have the power and authority to propound interrogatories to any person subject to taxation, and may use such other evidence as he may be in position to procure; such interrogatories shall be answered under oath, and any applicant refusing to answer such interrogatories under oath, shall be fined not less than \$50.00, for each offense.

Section 2.5.7. Assessor-Duty

- (a) It shall be the duty of the assessors to assess for taxation all persons and property and property subject to taxation, whether the same shall have been omitted from the assessment of the commissioner of the revenue of Lee County or not.
- (b) The assessor may procure from the commissioner of the revenue of Lee County the assessment of all Jonesville, and in so far as said commissioner's books show the property subject to taxation by the said town, said assessor may base his assessment for the purpose of levying town taxes and levies thereon. If said assessor should find any property subject to taxation by the said town omitted from said commissioner's books he shall proceed to assess the same for town purposes in the manner hereinbefore provided in section five.

Section 2.5.8. Books Subject to Inspection

All books, schedules, and records, and papers pertaining to the offices of the assessor shall be open to and subject to the inspection of the mayor, the members of the town council, and of the collector of town taxes.

Section 2.5.9. Books-Delivery to Successor

The books and accounts of the treasurer and all papers relating to the accounts and transactions of the town shall be at all times subject to the inspection of the mayor, the committees of the council, the clerk, and such persons as the council may appoint to examine the same, and together with any balance of moneys on hand, shall be transferred by the treasurer to his successor or delivered up as the council may at any time require.

Section 2.5.10. Annual Reports and Accounts-Audit

An audit of the books of the town treasurer shall be made the first of September of each year by such persons as may be designated by the council for said purposes, assisted by the town treasurer, and a report of such audit shall be made to the council at its next meeting. This statement shall also show the amount of uncollected assets of the town in the hands of the town treasurer for collection.

Section 2.5.11. Monthly Reports

At the regular meeting of the council in each monthly, the treasurer shall submit to the council a statement of collections and disbursements for the preceding month, together with vouchers sustaining all disbursements.

Section 2.5.12. Annual Reports

The treasurer shall annually, within twenty days after the close of the fiscal year, submit to the council a full and detailed summary of all receipts and disbursements during the preceding year, which summary shall show also the balance at the beginning and ending of the year and any and all facts and information necessary to a clear and accurate knowledge of the financial condition of the town.

Section 2.5.13. Custodian of Bonds, Notes

The treasurer shall be the custodian of all bonds, notes, choices in action and other like assets of the town.

Section 2.5.14. Collection of Taxes

The treasurer shall collect the taxes, including those for licenses, and other income and revenue of the town; he shall account for the same and pay the same out as hereinafter provided.

Section 2.5.15. Report of Taxes Collected

All taxes and other revenues collected, together with a list of such taxes as he shall have been unable to collection by reason of insolvency verified by his oath that he has

used due diligence to collect said taxes but has been unable to do so, shall be reported to the council at its regular meeting in July.

Section 2.5.16. Liability for Dereliction of Duty

The treasurer and his sureties shall be liable to all fines, penalties, and forfeitures that a county treasurer is legally liable to, for any failure or dereliction in his said office, which fines, penalties, and forfeitures may be recovered in the same manner and before the same courts that the same are now recoverable against the county treasurer.

Section 2.5.17. Bonding

Before entering upon the duties of his office, the treasurer shall execute a bond with surety in the penalty of at least the sum of \$\_\_\_\_\_ to be approved by the council, the cost of the premium to be paid to any surety company, for the bonding of the treasurer, shall be paid by the town. Said bond shall be conditioned for the faithful performance of the duties of his office and for the proper collection of and accounting for all moneys which shall come into his hands or which it shall be his duty to collect and for the payment of all moneys by him, on proper order of the council, to those entitled to same.

Section 2.5.18. Compensation

The town treasurer shall be paid a salary or such fees as designated by the council at the regular meeting in September and payable monthly.

Section 2.5.19. Collection of Water Rents, etc.

The treasurer shall collect all water bills and shall report to the mayor of such other person as may be designated by the council the names of all persons who do not pay their water bills by the twentieth of the month.

Section 2.5.20. Vacancy in Office of Mayor, Recorder, or Treasurer

Whenever a vacancy shall occur from any cause in the office of the mayor, recorder, or treasurer, the vacancy for the unexpired term shall at once be filled by a majority vote of the entire council of the said town.

**ARTICLE VI – TOWN ATTORNEY**

Section 2.6.1. Selection

The council shall elect a town attorney for the Town of Jonesville as hereinbefore provided who shall be a regular practicing attorney qualified to practice his profession in all the courts of Virginia.

Section 2.6.2. Legal Advisor, Attorney and Counsel

The town attorney shall be the director of the Department of Law and the legal advisor of and the attorney and counsel for the town and all its officers in matters relating to their official duties; he shall give written opinions to any officer or department or official commission of the town when requested so to do, and shall file a copy of the same with the town clerk.

Section 2.6.3. Prepare and Pass Upon Contracts

The town attorney shall prepare or officially pass upon all contracts, bond, and instruments in writing in which the town is concerned and shall certify before execution, as to legality and correctness thereof. He shall perform such other duties as may be prescribed by the charter or by the council.

Section 2.6.4. Conduct of Cases

The town attorney shall conduct for the town all cases in court whenever the town is a party thereto, and upon request of the mayor he shall appear before the mayor to represent the town for violations of the town ordinances.

Section 2.6.5 Notice of Action Against Town

No action shall be maintained against the town for damages for an injury to any person or property alleged to have been sustained by reason of negligence of the town, or of any officer, agent, or employee thereof, unless a written statement of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received, shall first be filed with the town attorney as provided for by statute

## CHAPTER 3

### ANIMALS AND FOWL

Section 3.1	Cruelty to Animals
Section 3.2	Disabled or Dead Animals
Section 3.3	Fighting Cocks, Dogs, Etc.
Section 3.4	Soring Horses
Section 3.5	Vicious Dogs
Section 3.6	Females in Season
Section 3.7	Animals Running at Large
Section 3.8	Bird Sanctuary

#### Section 3.1. Cruelty to Animals

Any person who:

1. Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected to bona fide scientific or medical experimentation to, or cruelty or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another, or deprives any animal of necessary sustenance, food, drink, or shelter, or causes any of the above things, or being the owner of such animal permits such acts to be done by another, or
2. Willfully sets on foot instigates, engages in, or in any way furthers any

3. act of cruelty to any animal, or shall carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in a cruel, brutal, or inhuman manner, so as to produce torture or unnecessary suffering, shall be guilty of a Class I Misdemeanor; but nothing in this section shall be construed to prohibit the dehorning of cattle.

Section 3.2. Disabled or Dead Animals

If any person cast any dead animal into a road or knowingly permit any dead animal to remain unburied upon his property when offensive to the public or, having in custody any maimed, diseased, or infirm animal, leave it to lie or be in a street, road, or public place, he shall be guilty of a Class 3 Misdemeanor.

Section 3.3. Fighting Cocks, Dogs, Etc.

If any person engage in the fighting of cocks, dogs, or other animals, for money, prize, or anything of value is bet or wagered, or to which an admission fee is charged, directly or indirectly, he shall be guilty of a Class 3 Misdemeanor.

Section 3.4. Soring Horses

For the purposes of this section, a horse shall be considered to be sored if , for the purposes of affecting its gait, a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse, or if burns, custers, or lacerations have been inflicted on the horse, or if a chemical agent, or tacks, nails, or wedges have been used on the horse, or if any other method or device has been used on the horse, including but not limited to chains or boots, which may be reasonably be expected currently (1) to result in physical pain to the horse when walking, trotting, or otherwise moving, or (2) to cause extreme fear or distress to the horse.

It shall be unlawful for any person to deliver or receive into this town for the purpose of showing or exhibiting, any horse which such person has reason to believe is suffering from the effects of being sored, or who shows or exhibits or enters for the purpose of showing or entering in any horse show or exhibition, any horse which such person has reason to believe is sored, or to show or to exhibit or to enter or to conduct any horse show or exhibition in which there is shown or exhibited a horse which such person has reason to believe is sored.

Any person who violates any provision of this section shall be guilty of a Class three Misdemeanor.

Section 3.5. Vicious Dogs

- (a) It shall be unlawful for the owner of any dog to allow it to run at large or off owner's premises. Any person violating this ordinance shall be fined not less

than \$5.00 or more than \$20.00 for each offense. (1/5/55)

- (b) If any dog bites any person or any dog annoys any persons by running after them in the streets in a vicious manner, the mayor, upon proof of the fact, may order such dogs to be killed by the sergeant; and if the owner of the dog shall conceal it or otherwise hinder the sergeant in executing the order of the mayor, such person shall be fined from five to twenty dollars for each offense, and such dog shall be killed in the discretion of the mayor.

As amended on July 9, 1996:

- (c) If any dog bites any person or any dog annoys any persons by running after them in the streets in a vicious manner, the mayor, upon proof of the fact, may order such dogs to be killed by the animal control officer; and if the owner of the dog shall conceal it or otherwise hinder the animal control office in executing the order of the mayor, such person shall be fined from \$50.00 to \$100.00 for each offense, and such dog shall be killed in the discretion of the mayor and/or animal control officer. If said animal is picked up from the streets or property in the Town of Jonesville and held at the Lee County Animal Shelter then the owner of said animal shall, in addition, be responsible for all incidental costs incurred in this process and for damages caused by the animal.

### Section 3.6. Females in Season

It shall be unlawful of the owner of any proud bitch to permit her to run at large in the corporate limits of the town during such periods, under a penalty of a fine not less than nor more than twenty dollars. It shall be the duty of the sergeant to kill at once any such bitch so found running at large; if the owner fails to pen her up after having been notified to do so.

As amended on July 9, 1996:

It shall be unlawful of the owner of any proud bitch to permit her to run at large in the corporate limits of the town during such periods, under a penalty of a fine not less than \$20.00 nor more than \$50.00 for the first offense. It shall be the duty of the animal control officer to pick up and hold any such female found running at large, if the owner fails to pen her up after having been notified to do so. If the animal is not claimed or picked up, after five days the animal shall be destroyed. In addition any person violating this section shall be responsible for the costs or having the animal picked up and held at the Lee County Animal Shelter and for other incidental costs and damages caused by the animal.

### Section 3.7. Animals Running at Large

It shall be unlawful for any person to turn loose or permit to stray in the streets of the town any animal or to permit the same to run at large at night or in the daytime. Any

person violating this section shall be fined not less than \$1.00 or more than \$20.00 for each offense. (2/20/40)

As amended on July 9, 1996:

It shall be unlawful for the owner of any dog or other animal to allow it to stray in the street of the town or to run at large off the owner's premises. Any person violating this section shall be fined not less than \$20.00 or more than \$50.00 for the first offense and not less than \$50.00 or more than \$100.00 for subsequent offenses. In addition any person violating this section shall be responsible for the costs of having the animal picked up and held at the Lee County Animal Shelter and for other incidental costs and damages caused by the animal.

Section 3.8. Bird Sanctuary

The Town of Jonesville hereby proclaims to be a Municipal Bird Sanctuary, and do call upon the people of Jonesville to protect birds from stray dogs, cats, unlawful shooting, and to replant berry bearing trees and shrubs for food and shelter. (3/3/72)

**CHAPTER 4**

**BUILDING REGULATIONS**

Section 4.1

Permit Required

Section 4.2	Application for Permit
Section 4.3	Failure to Apply for Permit
Section 4.4	Porches, Balconies, Steps, and Bay Windows
Section 4.5	Alteration and Repair Building
Section 4.6	Condemnation of Dangerous Buildings

Section 4.1. Permit Required

- (a) No house, or building, of any kind or addition thereto within the limits of the town can be erected without first obtaining a permit therefore.
- (b) If any person shall erect any such building or addition thereto without having obtained a permit, he shall be punished by a fine of not less than one nor more than twenty dollars. Any person who shall continue work for which he has not secured a permit shall be liable to the fine herein imposed.

Section 4.2. Application for Permit

- (a) The owner of, or contractor for, any building whose erection, alteration, or improvement within the corporation is contemplated, shall first make application for and obtain from the mayor a permit so to do. Said application filed as aforesaid by the building or contractor shall bear date, and state the

location, approximate cost, floor plan, use intended, date of construction, and material of the contemplated building. And it shall be the duty of the clerk of said council to keep on file in his office, a copy of said application, on which shall be noted the action taken thereon, together with the date of the same. The mayor may refer said application to the council for action thereon; or may, if they approve the proposed building operation, issue the permit therefore; or may if they disapprove said building operation refuse to issue the permit.

- (b) If said application be by the mayor referred to the council, the latter may direct that the mayor issue said permit, or may refuse to grant said permit. If said application be not referred to the council, said mayor, if he approves said building operation, issue said permit; if said officer disapproves said operation, he may refuse to grant the permit. The action of said mayor in granting or refusing the permit shall be subject to the review by the council and the town council may by a two-thirds vote reverse the decision the decision of the mayor. But in no event, shall a building permit be granted either by the mayor or the town council, to any person for a building that does not comply in all respects with the provisions of this ordinance and sections of the building regulations of the ordinances of said town.

#### Section 4.3. Failure to Apply for Permit

Any owner or contractor failing to obtain the required building permit in the manner above set out, or failing to erect, construct, alter, or extend the proposed building in accordance with the provisions of the permit, shall be fined the sum of ten dollars, and addition thereto, shall pay a fine of five dollars for each day of the continuance of said violation, and said fine shall be assessable against either the owner of said building or the contractor therefore, or against both. And the violation of the ordinance by either shall be deemed a violation thereof by both.

#### Section 4.4. Porches, Balconies, Steps, and Bay Windows

- (a) It shall be unlawful for any person building any balcony, bay window, shed, building or any part thereof, porch step, to extend beyond the building line of any street or alley in the town, and any person proposing to erect a building abutting on any street or alley, if the building line is not well defined at that point, shall apply to the mayor, whose duty it shall be at once to locate and mark appropriately such building. And in ease where there is a porch or step, balcony or bay window, now existing and heretofore erected, extending beyond such building, line and such porch, step balcony, or bay window needs to be repaired or rebuilt, it shall not be done without the permit of the mayor, and such permit shall not be given unless serious damage and inconvenience would result to the property owner from refusal of such permit.
- (b) Any person violating any provision of this ordinance shall be fined not less than one dollar or more than twenty dollars and each day that such construction remains upon such sidewalks shall constitute a separate offense;

provided, however, that this ordinance shall not be construed as to prohibit construction of a balcony not less than ten feet above the sidewalk, and the placing of an awning not less than seven and one half feet above such sidewalk.

Section 4.5. Alteration and Repair Buildings

- (a) No person shall, within the corporate limits of said town, erect, construct, alter, or extend any building unless a permit so to do shall have been obtained by the owner or contractor for said building from the mayor of the Town of Jonesville, or from the town council in the manner hereinafter stipulated in this chapter.
- (b) Any person violating the provisions of this chapter shall be fined ten dollars, and in addition thereto; shall pay a fine of five dollars for each day of the continuance of such violation. And said fine shall be assessable against both, and the violation of said ordinance by either shall be deemed a violation thereof by both.

Section 4.6. Condemnation of Dangerous Buildings

- (a) Whenever the town mayor shall be informed that any building or structure in the town contains material or materials therein or is in such condition as to endanger the health and lives of the occupants or of persons in the vicinity thereof; or to endanger other property adjacent thereto, he shall forthwith proceed to make examination of such building or structure.
- (b) If, after such an examination, the town mayor shall be of the opinion that said building or structure contains material or materials therein or is in such condition as to endanger the health and lives of the occupants or of persons in the vicinity thereof; or to endanger other property adjacent thereto, he shall issue a notice to the owner of the property, or his agent, if he be a nonresident or to his guardian or committee, as the case may be, requiring him to appear before the town council at a specified time not more than thirty (30) days from the date of giving of such notice, requiring him to show cause why such building or structure should not be removed or put in a safe condition.
- (c) Whenever the town mayor shall be unable to find the owner of such building or structure, or any statutory agent, or person in charge or control thereof, upon whom said notice may be served, he shall address, stamp and mail notice by registered mail to the owner of said building or structure to the last known address of said person or persons and shall likewise post said notice on the premises and at three public places in the town for a period of ten days.
- (d) If, after a hearing of the case, it shall appear to the town council that the building or structure contains material or materials therein or is in such condition as to endanger the health and lives of the occupants or of persons in the vicinity thereof; or to endanger other property adjacent thereto, the town

mayor shall issue an order directing the said owner within a specified time to be fixed by the town mayor to remove or make said building or structure safe, which order shall be delivered to said owner, or his agent, if he be a nonresident, or his guardian or committee, as the case may be.

- (e) If such material or materials therein or building or structure shall not be removed within the time specified in the order, the town mayor shall cause a summons to be issued summoning said owner, or his agent, if he be a nonresident, or his guardian or committee, as the case may be, to appear before the council or other trial officer to show cause why such owner should not be fined for his failure to comply with said order, and to show cause why the building or structure should not be removed or made at the expense of the owner thereof.
- (f) If at the hearing before the council or other trial officer no sufficient cause be shown for failure to comply with said order, the owner of said building or structure shall be fined not less than ten dollars nor more than twenty five dollars for each day his failure to comply with such order has continued, and the mayor or other trial officer shall further require such building or structure to be removed or made safe at the expense of the owner thereof, and if such building or structure be not removed by the owner, the town mayor shall have the authority to have the same removed or made safe and the cost of the same shall thereupon be and become a lien upon such real estate of said owner and may be collected as taxes or other claims due the town are collected by instituting a suit in chancery brought for the purpose of subjecting the property to the payment said lien. (11/7/63)

## **CHAPTER 5**

### **FINANCE AND TAXATION**

Section 5.1	Property Tax
Section 5.2	Personal Property Tax
	(a) Tangible
	(b) Bank Franchise Tax
Section 5.3	Merchants Operating Tax
Section 5.4	Utility Tax

Section 5.1. Property Tax

There is hereby levied a tax of \$0.20 on each \$100.00 of assessed value of real estate and improvements thereon. (8/26/87)

Amended 8/24/89 as follows:

There is hereby levied a tax of \$0.25 on each \$100.00 of assessed value of real estate and improvements thereon.

Section 5.2. Personal Property Tax

- (a) Tangible-There is hereby levied a tax of \$0.20 on each \$100.00 of assessed value of tangible personal property assessed by the town, including the tangible personal property of public utilities located and doing business within this town. (8/26/87)

Amended 8/24/89 as follows:

There is hereby levied a tax of \$0.25 on each \$100.00 of assessed value of tangible personal property and merchants capital assessed by the town, including the tangible personal property of public utilities located and doing business within this town.

Amended 2/8/2005 as follows:

The due date for Personal Property Tax is October 30th of each year in which they are levied.

- (b) Bank Franchise Tax-There is hereby levied a tax of eighty percent on each one hundred dollars of the taxable value of the shares of stock in any bank located in the Town of Jonesville.

Section 5.3. Merchants Operating Tax

There is hereby levied the sum of ten dollars on each merchant doing business in the Town of Jonesville and used in or in connection with the operation of said business.

Section 5.4. Utility Tax

- (a) Any and all persons, firms or corporations furnishing electric power to public or private consumers within the corporate limits of the Town of Jonesville, Virginia shall pay to the Town of Jonesville a tax equal to one half of one percent of the gross annual electrical power sales to public or private consumers within said corporate limits of said town.
- (b) This ordinance shall become effective January 1, 1966, and the tax shall be due and payable annually commencing December 31, 1966, and on or by the 31<sup>st</sup> day of December each year thereafter.

## **CHAPTER 6**

### **LICENSES AND BUSINESS REGULATIONS**

Section 6.1	Terms
Section 6.2	Schedule
Section 6.3	Shows, Carnivals, Etc.
Section 6.4	Temporary
Section 6.5	Coin Amusement Machines
Section 6.6	Penalty

Section 6.1. Terms

Unless otherwise specified, the term of each license shall extend for one year from January 1 and expire December 31.

Section 6.2. Schedule

- (a) A town license tax of \$10.00 per year be imposed on every person, firm, and corporation other than a distributor or vendor of motor vehicle fuels and petroleum products, a farmer, a dealer in forest products, a producer of agricultural products, or manufacturer, who shall sell and deliver at the same time in the Town of Jonesville, Virginia, other than at a definite place of business, goods, wares, or merchandise to licenses dealers and retailers; provided however, that the foregoing exemption of a manufacturer shall constructed as restricted to a manufacturing taxable on capital by the Commonwealth of Virginia, who peddles the goods, wares, or merchandise, manufactured by him at a plant, the capital of which is taxable by the Commonwealth of Virginia, and who peddles no other goods, wares, or merchandise; and provided, further, that the license tax above imposed on every such person, firm, or corporation, shall not in any case be in excess of the rates imposed by the Town of Jonesville on wholesale merchants selling similar goods, wares, and merchandise in the Town of Jonesville, at one definite place of business.
- (b) Every person, firm, or corporation violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars, for each offense. Each day's violation of any provision of this ordinance shall be deemed a separate offense.

Section 6.3. Shows, Carnivals, Etc.

There shall be a license tax imposed on all shows, circuses menageries,

entertainments, and performances, which shall show or exhibit within the corporate limits of said town or within one mile thereof as follows to-wit:

Two and one half dollars for each performance or exhibition; provided that in such case of concerts, exhibition, and entertainment as are mentioned in this paragraph, the council may remit the said license tax.

Section 6.4. Temporary

Any person coming temporarily into said town and offering for sale any merchandise or manufactured article by retail, shall pay license tax of twenty dollars to said town for each days sale, which shall be paid in person before offering such articles or merchandise for sale.

Section 6.5. Coin Amusement Machines

- (a) Any person, firm, or corporation, having anywhere in the Town of Jonesville, a coin operated musical machine or musical device, that operates on the coin-in-the-slot principle into which are inserted nickels or coins of larger denominations, shall pay for every such coin operated musical machine a town license tax of \$10.00 per year; and any such person, firm, or corporation having anywhere in this town a coin operated pinball amusement machine or device, shall pay for every such coin operated pinball or amusement machine or device, a town license tax of \$10.00 per year, and these license taxes shall not be prorated or transferable.
- (b) Nothing contained in this ordinance shall be construed as permitting such person, firm, or corporation to keep, maintain, exhibit, or operate any coin amusement machine or other device, the operation of which is prohibited by law.
- (c) Any person, firm, or corporation, having any such coin operated amusement machine or other device, and failing to procure a town license, therefore, or otherwise violating this section, shall be subject to a fine of not less than twenty dollars nor more than fifty dollars for each offense, and the machine or other device shall become forfeited to the Town of Jonesville. (1/1/60)

Section 6.6. Penalty

Any person violating the two proceeding sections 6.3 and 6.4, by failing or refusing to pay said license tax therein required, shall be deemed guilty of a misdemeanor, and upon conviction, punished by a fine not more than twenty dollars. Each day of operation in said town without the payment of license, as required shall be deemed a separate offense

**AMENDED ON OCTOBER 10, 2000  
AN ORDINANCE OF THE TOWN OF JONESVILLE, VIRGINIA,  
A MUNICIPAL CORPORATION, IMPOSING A TAX ON  
CONSUMERS AND PURCHASE OF UTILITY SERVICES**

**IN THE TOWN OF JONESVILLE, VIRGINIA PROVIDED BY  
ANY HEAT, LIGHT, AND POWER COMPANY AND  
TELEPHONE OR TELEGRAPH COMPANY**

**WHEREAS**, the General Assembly of Virginia by enabling legislation as set forth on Title 58.1, Chapter 37, Article 4, of the Code of Virginia, including Sections 58.1-3812 and 58.1-3814 authorizes the towns and municipalities of the Commonwealth to impose a tax on consumers of utility services, and this Municipality desires by this Ordinance to enact said tax on consumers;

**WHEREAS**, notice of the enactment of this Ordinance was published in the Powell Valley News, a newspaper of general circulation, and a public hearing was held at the Town Hall in the Town of Jonesville, Virginia on the 25<sup>th</sup> day of January, 1990 at 7:00 p.m. for public comment;

**NOW THEREFORE BE IT ORDAINED AND ENACTED AS FOLLOWS:**

**TAX ON PURCHASER OF UTILITY SERVICES**

Section I. Definitions

The following words and terms, when used in the article, shall have the following respective meanings, except where the content clearly indicates a different meaning:

**Purchaser:** The word "purchaser" shall include person, firm, or corporation, who is a consumer or who purchases a utility service, including, but not limited to telephone, telegraph, heat, light, and power.

**Seller:** The word "seller" shall include every person, whether a public service corporation who sells or furnishes a utility service or services coming within the provisions of Chapter 26, Section 58.1-2600 et seq.

**Utility Service:** The term "utility service" shall include local telephone service, heat, light, power, electrical service, and gas service furnished and used in the corporate limits of the Town of Jonesville.

Section II. Levied: amount; exclusions

- (a) There is hereby imposed and levied by the Town upon each purchaser or consumer of utility service, a tax for general purposes in the amount of fifteen (15) percent of the monthly amount charged by the seller to consumers or purchasers of utility service; provided, however, that such tax shall not apply to:
  - (1) That portion of monthly bill for electric utility service for domestic or residential use which shall exceed \$15.00.
  - (2) That portion of monthly bills for gas utility service for domestic or

residential use which shall exceed \$15.00.

(3) That the maximum tax per residential and commercial electric customer shall not exceed \$2.25 per month.

(4) That portion of monthly bills for telephone service for residential or business use which shall exceed \$15.00.

(b) For the purpose of this section, the tenant of an apartment, who pays for electric and gas utility service, shall be deemed to be a domestic or residential user, and the owner of a master metered apartment building shall be deemed an industrial or commercial user; provided, however the charge made by the seller against the purchaser with respect to electric lights for yards, parking lots, and other outdoor areas, billed on a unit basis and not on metered current shall not be subject to the tax hereby imposed.

### Section III. Applicability to Telephone Service

The tax imposed and levied by this article on purchasers with respect to local telephone service shall apply to all charges made for local telephone service except local messages which are paid for by inserting coins in coin-operated telephones. The total amount of the guaranteed charge on each bill rendered for semi-public coin box telephone service shall be included in the basis for the tax with respect to the purchaser of such services.

### Section IV. Exemptions

The United States of America, the State of Virginia, the County of Lee, and the political subdivisions, boards, commissions, and authorities thereof, including this Town, are hereby exempt from the payment of the tax imposed and levied by this article with respect to the purchase of utility service used by such governmental agencies.

### Section V. Computation

In all cases where the seller collects the price for utility service at monthly periods, the tax imposed and levied by this article may be computed on the aggregate amount of purchases during such month or period; provided that the amount of the tax to be collected shall be the nearest whole cent to the amount computed.

### Section VI. Duty of Purchaser to Pay

The tax imposed by this article shall be paid by the purchaser to the seller, for the use of the utility service shall become due and payable under the agreement between the purchaser and the seller.

### Section VII. Duty of Seller to Collect, Report, and Remit

It shall be the duty of every seller, in acting as the tax collection medium or agency for

the Town, to collect from the purchaser, for the use of the Town, the tax imposed and levied by this article, at the time of collecting the purchase price charged for the utility service and to report and to pay over, on or before the fifteenth (15<sup>th</sup>) day of each calendar month, to the collector of Town taxes all such taxes imposed, levied, and collected during the preceding calendar month.

Section VIII. Seller's Records

Each seller shall keep complete records showing all purchases of utility service in the Town, which records shall show the price charged against each purchaser with respect to each purchase, the date thereof, the date of payment thereof, and the amount of tax imposed under this article. Such records shall be kept open for inspection by the duly authorized agents of the Town during regular business hours and the duly authorized agents of the Town shall have the right, power, and authority to make such transcripts thereof during such times as they may desire.

Section IX. Powers and Duties of Town Clerk

The Town Clerk shall be duly charged with the power and the duty of collecting the taxes levied and imposed by this article and shall cause such taxes to be paid into the general treasury of the Town.

Section X. Violations of Article

Any purchaser failing, refusing, or neglecting to pay the tax imposed or levied by this article, where the seller has not elected to assume or pay such tax, and any seller violating the provisions of this article and any officer, agent, or employee of any seller violating the provisions of this article, shall be guilty of a Class E Misdemeanor. Each failure, refusal, neglect, or violation and each day's continuance thereof shall constitute a separate offense.

Section XI.

This Ordinance shall be in full force and effect sixty (60) days after written notice by certified mail is forwarded by the Town Mayor to the registered agent of the utility corporation that is required to collect the tax.

Adopted this 25<sup>th</sup> day of January, 1990.

**UTILITY ORDINANCE AMENDMENT II  
IMPLEMENTING AN ELECTRIC CONSUMER TAX**

**WHEREAS**, legislation deregulating the electric industry has been passed by the 1999 and 2000 General Assemblies and this only pertains to electric industries

**WHEREAS**, the legislation requires localities to convert their electric consumer utility taxes from a tax based on the amount of the bill to one based on the amount of electricity consumed.

**NOW THEREFORE**, notwithstanding any other ordinance in force in the Town of Jonesville, be it **ORDAINED** that the Town Code is hereby amended by the adoption of Section set forth 58.1-3814 of the Code of Virginia providing that all such taxes are to be based on kilowatt hours (kWh) reading on or after January 1, 2001 the rate of tax on the electric energy delivered to an ultimate consumer shall be as follows:

Section I                      Definitions

Consumer: means every person whom, individually or through agents, employees, officers, representatives, or permittees, makes a taxable purchase of electricity in this jurisdiction.

Kilowatt Hours (kWh) Delivered: means 1,000 watts of electricity delivered in a one-hour period by an electric provider to an actual consumer, except that in the case of eligible customer-generators (sometimes called co-generators) as defined in Virginia Code §56-594, it means kWh supplied from the electric grid to such customer-generators, minus the kWh generated and fed back to the electric grid by such customer-generators.

Person: means any individual, corporation, company, or other entity.

Residential Consumer: means the owner or tenant of property used primarily for residential purposes, including but not limited to, apartment houses and other multiple-family dwellings.

Service Provider: means the person who delivers electricity to a consumer.

Used primarily: relates to the larger portion of the use for which electric utility service is furnished.

Section II                      Electric Utility Consumer Tax

- (a) In accordance with Virginia Code §58.1-3814, effective January 1, 2001, there is hereby imposed and levied a monthly tax on each purchase of electricity delivered to consumers by a service provider, classified as determined by

such provider as follows:

- (1) Residential Consumers: such tax shall be \$0.60 plus the rate of \$0.007233 on each kWh delivered monthly to residential consumers by a service provider, not to exceed \$15.00 monthly. (Amended February 13, 2001 and effective March 1, 2001; Tax not to exceed \$2.25 monthly.)
  - (2) Non-Residential Consumers: such tax on non-residential consumers shall be at the rates per month for the classes of non-residential consumers set forth as follows:
    - (i) Commercial Consumers-such tax shall be \$1.125 plus the rate of \$0.009247 on each kWh delivered monthly to commercial consumers not to exceed \$15.00 monthly.
    - (ii) Industrial Consumers- such tax shall be \$5.25 plus the rate of \$0.005704 on each kWh delivered monthly to industrial consumers not to exceed \$15.00 monthly.
  - (3) The conversion of tax pursuant to this ordinance to monthly kWh delivered shall not be effective before the first meter reading after December 31, 2000, prior to which time the tax previously imposed by this jurisdiction shall be in effect.
- (b) Exemptions: The following consumers of electricity are exempt from the tax imposed by this ordinance:
- (1) Any public safety agency as defined in Virginia Code §58.1-3813.
  - (2) Any church or religious body entitled to exemption pursuant to Article 4 of Chapter 36 of Title 58.1 of the Code of Virginia (§58.1-3650 et seq.)
  - (3) The United States of America, the Commonwealth and the political subdivisions thereof, including this jurisdiction.
- (c) Billing, Collection, and Remittance of Tax: The service provider shall bill the electricity consumer tax to all users who are subject to the tax and whom it delivers electricity and shall remit the same to this jurisdiction on a monthly basis. Such taxes shall be paid by the service provider to this jurisdiction in accordance with Virginia Code §58.1-3814, paragraphs F. and G. and Virginia Code §58.1-2901. If any consumer receives and pays for electricity but refuses to pay the tax imposed by this section, the service provider shall notify this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a service provider, including the tax imposed by this section, the service provider must follow its normal collection procedures and upon collection of the bill or any part thereof must apportion the net amount collected between the charge for electric service and the tax and remit the tax portion to this jurisdiction.
- Any tax paid by the consumer to the service provider shall be deemed to be held in trust by such provider until remitted to this jurisdiction.
- (d) Computation of Bills Not on Monthly Basis: Bills shall be considered as monthly bills for the purposes of this ordinance if submitted twelve (12) times per year of approximately one month each. Accordingly, the tax for a bi-monthly bill (approximately sixty (60) days) shall be determined as follows:
- (1) the kWh will be divided by two (2);

- (2) a monthly tax will be calculated using the rates set forth above;
- (3) the tax determined by (2) shall be multiplied by two;
- (4) the tax in (3) may not exceed twice the monthly "maximum rate".

Section III                      Penalties

Any consumer of electricity failing, refusing, or neglecting to pay the tax imposed and levied under this ordinance, and any officer, agent, or employee of any service provider violating the provisions of this ordinance shall, upon conviction thereof, be guilty of a Class 4 misdemeanor. Each such failure. Refusal, neglect, or violation shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection, and remittance of the tax as provided in this ordinance.

It is further ORDAINED that the portions of all prior ordinances in conflict with this ordinance be, and they are hereby repealed.

This ordinance shall become effective at 12:01 a.m. on January 1, 2001.

Passed with the following vote:

Ayes: A. R. Blevins, Debra Pacholewski, Kermit Wallen, Beryle Greer, Richard Yates, and Phyllis Munsey.

Absent: Richard Garrett

## CHAPTER 7

### OFFENSES – MISCELLANEOUS

Section 7.1	Agents of the Merchant
Section 7.2	Abusive and Insulting Language
Section 7.3	Alcoholic Beverages
Section 7.4	Administration of Justice
Section 7.4.1	Giving False Reports to Police Officers
Section 7.4.2	Refusal to Aid Office in Execution of His Office
Section 7.4.3	Failure to Obey Order of Conservator of the Peace
Section 7.4.4	Persons Aiding Escape of Prisoner
Section 7.5	Bad Checks
Section 7.5.1	Issuing Bad Checks on Behalf of Business, Firm, or Corporation in Payment of Wages
Section 7.5.2	Issuance of Bad Check Prima Facie Evidence of Intend and Knowledge; Notice by Certified or Registered Mail
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Section 7.13	Cumberland Bowl Park
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Section 7.16	Disorderly Conduct
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Section 7.17	Dance Halls
Section 7.17.1	Dance Halls-Definition

Section 7.17.2	Dance Halls-Permits
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Section 7.25	Impersonation
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Section 7.50	Wells or Pits
Section 7.51	Wells, Cover
Section 7.52	Yard Sales
Section 7.53	Noise Ordinance (See Section 7.16.1)

Section 7.1 Agents of the Merchant

As used in this article “agents of the merchant” shall include attendants at any parking lot owned or leased by the merchant, or generally used by customers of the merchant through any contract or agreement between the owner of the parking lot and the merchant.

Section 7.2 Abusive and Insulting Language

If any person shall, in the presence or hearing of another, curse or abuse such other person, or use any violent abusive language to any such person concerning himself or any of his relations, or other use such language, under circumstances reasonably calculated to provoke a breach of the peace, he shall be guilty of a Class 3 misdemeanor.

Section 7.3 Alcoholic Beverages

- (a) If any person shall take a drink of alcoholic beverages or shall tender a drink thereof to another, whether accepted or not, at or in any public place, he shall be guilty of a Class 4 misdemeanor.
- (b) It shall be illegal for any person to possess or consume any alcoholic beverage or any controlled substance in the area known as the Cumberland Bowl Park owned by the Town of Jonesville. Violations of this ordinance shall be subject the offender to a fine of not less than \$25.00 or no more than \$100.00.
- (c) Sales of beer are prohibited from 11:00 p.m. Saturday night until Sunday at 1:00 p.m. Only off premises beer to be sold from 1:00 p.m. Thru 10:00 p.m. on Sunday. (3/11/76)  
(Amended 6/15/89-off premises beer sales are permitted from 6:00 a.m. thru 11:00 p.m. on Sundays.

Section 7.4 Administration of Justice

Section 7.4.1 Giving False Reports to Police Officers

It shall be unlawful for any person knowingly to give a false report as to a commission of any crime to any law enforcement official with intent to mislead. Violations of the provision of this section shall be punishable as a Class 1 misdemeanor.

Section 7.4.2 Refusal to Aid Officer in Execution of His Office

If any person on being required by any sheriff or other officer refuse or neglect to assist him: (1) in the execution of his office in a criminal case; (2) in the preservation of the peace; (3) in the apprehending or securing of any person for a breach of the peace or; (4) in any case of escape or rescue, he shall be guilty of a Class 2 misdemeanor.

Section 7.4.3 Failure to Obey Order of Conservator of the Peace

If any person, being required by a conservator of the peace on view of a breach of the peace or other offense to bring before him the offender, refuse or neglect to obey the conservator of the peace, he shall be guilty of a Class 2 misdemeanor; and if the conservator of the peace declare himself or be known to be such to the person so refusing or neglecting, ignorance of his office shall not be pleaded as an excuse.

Section 7.4.4 Persons Aiding Escape of a Prisoner

When a person is lawfully detained as a prisoner in any jail, prison, or custody, if any person: (1) convey anything into the jail or prison with the intent to facilitate the prisoner's escape therefrom; (2) in any way aid such prisoner to escape, or in an attempt to escape, from such jail, prison, or custody; or (3) forcibly rescue, or attempt to rescue him therefrom, such person, if the rescue or escape be effected, shall, if the prisoner was detained on conviction or charge of felony, be confined in the penitentiary not less than nor more than five years; and if the same be not effected, or if the prisoner was not detained on such conviction or charge, he shall be guilty of a Class 2 misdemeanor.

Section 7.5 Bad Checks

Section 7.5.1 Issuing Bad Checks on Behalf of Business, Firm, or Corporation in Payment of Wages

Any person who shall make, draw, or utter, or deliver any check, draft, or order for the payment of money, upon any bank, banking institution, trust company, or other depository on behalf of any business, firm, or corporation, for the purpose of paying wages to any employee of such firm or corporation, or for the purpose of paying for any labor performed by any person for such firm or corporation, knowing, at the time of such making, drawing, uttering, or delivering, that the account upon which such check, draft, or order is drawn has not sufficient funds, or credit with, such bank, banking institution,

trust company, or other depository, for the payment of such check, draft, or order, although no express representation is made in reference thereto, shall be guilty of a Class 1 misdemeanor.

The word "credit", as used herein, shall be construed to mean any arrangement or understanding with the bank, banking institution, trust company, or other depository for the payment of such check, draft, or order.

In addition to the criminal penalty set forth herein, such person shall be personally liable in any civil action brought upon such check, draft, or order.

Section 7.5.2                      Issuance of Bad Check Prima Facie Evidence of Intent and Knowledge; Notice by Certified or Registered Mail

In any prosecution or action under the preceding sections, the making, or drawing, or uttering, or delivery of a check, draft, or order, payment of which is refused by the drawee because of lack of funds or credit shall be prima facie evidence of intent to defraud or knowledge of insufficient funds in, or credit with, such bank, banking institution, trust company, or other depository unless such maker or drawer, or someone for him, shall have paid the holder thereof the amount due thereon, together with interest, and protest fees (if any), within five (5) days after receiving written notice that such check, draft, or order has not been paid to the holder thereof. Notice mailed by certified or registered mail, evidenced by return receipt, to the last known address of the maker or drawer shall be deemed sufficient and equivalent to notice having been received by the maker or drawer.

If such check, draft, or order shows on its face a printed or written address, home, office, or otherwise, or the maker or drawer, then foregoing notice, when sent by certified or registered mail to such address, with or without return receipt requested, shall be deemed sufficient and equivalent to notice having been received by the maker or drawer, whether such notice shall be returned undelivered or not.

When a check is drawn on a bank on which the maker or drawer has no account, it shall be presumed that such check was issued with intent to defraud, and the five (5) day notice set forth above shall not be required in such case.

Section 7.5.3                      Presumption as to Notation Attached to Check, Draft, or Order

In any prosecution or action under the preceding sections, any notation attached to or stamped upon a check, draft or order which is refused by the drawee because of lack of funds or credit, bearing the terms "not sufficient funds", "uncollected funds", "account closed", or "no account in this name", or words of similar import, should be prima facie evidence that such notation is true and correct.

Section 7.6                      Blackjacks

If any person sell or barter, or exhibit for sale, or for barter, or give or furnish, or cause to be sold, bartered, given or furnished, or has in his possession, or under his control, with the intent of selling, bartering, giving, or furnishing, any blackjack, brass or metal knucks, switchblade knife, or like weapons, such person shall be guilty of a Class 4 misdemeanor. The having in one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give, or furnish the same.

Section 7.7                      Bags, Plastic

- (a) No person shall sell, offer for sale, or deliver, or offer for delivery, or give away any plastic bag or partial plastic bag intended to enclose freshly cleaned clothing, the length of which totals twenty-five inches or more and the material of which is less than one mil (1/1000 inch) in thickness; unless such plastic bag bears the following warning statement, or a warning statement which the Commissioner of Health has approved as the equivalent thereof.
- (b) "WARNING: To avoid danger of suffocation, keep this plastic bag away from babies and children. Do not use this bag in cribs, beds, carriages, or playpens."
- (c) Such warning statement shall be imprinted in a prominent place on the plastic bag or shall appear on a label securely attached to the bag in a prominent place, and shall be printed in legible type of at least thirty-six point type.
- (d) Violators of this section shall be guilty of a Class 3 misdemeanor.

Section 7.8                      Brush and Weeds

All persons, firms, or corporations shall keep their premises, whether owned, leased, occupied, or in their charge, clear of weed, brush, and unsightly growth, and if after written notice from the Town Mayor, the weeds, brush, and unsightly growth are not cleared away within a period of fifteen days from said notice then said persons, firms, or corporations shall be subject to a fine of not less than one dollar (\$1.00) nor more than ten (\$10.00) dollars; and after the expiration of said fifteen days the Town Mayor may cause such weeds, brush, and unsightly growth to be cut and removed, where necessary, and the cost thereof shall thereupon be chargeable to and be collected from said owner of said premises, or said person, firm, or corporation or person leasing, occupying or having said premises in their charge as other taxes or levies are or may be collected. (2/2/40)

Section 7.9                      Burning Leaves

The burning of leaves and brush inside the corporate limits from September 1 to March 1 is prohibited. Fines for the first offense is \$10.00 and for the second offense \$25.00. (11/11/86)

Section 7.10                      Bicycles on Sidewalks



- monumental association;
- (3) Willfully or maliciously destroy, mutilate, injure, or remove and carry away any flowers, wreaths, vases, or other ornaments placed upon or around any grave, tomb, monument, or lot in any cemetery, graveyard, or other place of burial;
  - (4) Willfully obstruct proper egress to and from any cemetery or lot belonging to any memorial or monumental association, he shall be guilty of a Class 3 Misdemeanor.
  - (5) If any person, without the consent of the owner, proprietor, or custodian, go or enter in the nighttime, upon the premises, property, driveway, or walks of any cemetery, either public or private, for any purpose other than to visit the burial lot or grave of some member of his family, he shall be guilty of a Class 4 Misdemeanor.
  - (6) This section shall not apply to any work which is done by the authorities of a church or congregation in the maintenance or improvement of any burial ground or cemetery belonging to it and under its management or control and which does not injure or result in the removal of a tomb, monument, gravestone, grave marker, or vault.

Section 7.13 Cumberland Bowl Park-Rules of Conduct Ordinance

- (1) It shall be illegal for any person to possess or consume any alcoholic beverage or any controlled substance in the area. Violations of this ordinance shall be subject to a fine of not less than twenty-five (\$25.00) dollars or no more than one hundred (\$100.00) dollars. (9/28/87)
- (2) No person shall be allowed in or around such facilities who is known to be drinking or has in their possession, ardent spirits or 3.2 beverage.
- (3) No person shall conduct himself in such a manner as to endanger the life of safety of another person frequenting or using such public facilities and shall be prohibited from such boisterous conduct or profane language as to create a nuisance for others frequenting or using the public facilities.
- (4) All persons a forbidden to destroy or mutilate the property of others or the property of the Town of Jonesville, located in or about such public facilities.
- (5) All persons failing to adhere to these rules or the reasonable requests of the employees of the Town of Jonesville with respect to the operation of the above described public facilities will be requested to leave and vacate such public facilities.
- (6) No person shall be permitted in the pool area after closing time other than town employees.
- (7) Excessive loitering is not permitted.
- (8) All persons who fail to comply with these rules and regulations with respect to the public facilities owned by the Town of Jonesville will be promptly prosecuted.
- (9) Any person found guilty of violating this ordinance shall be punished by a fine not exceeding three hundred (\$300.00) nor exceeding thirty (30) days in jail, either or both.



worship, or who, being intoxicated, shall disturb such a meeting, whether willfully or not, shall be guilty of a Class 1 Misdemeanor. The person in charge of any such building, place, conveyance, or meeting may eject there from any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

Amended on August 8, 2000 to include Noise Ordinance

Section 7.16.1                      Noise Ordinance

**WHEREAS**, The Jonesville Town Council finds it in the best interest of its citizens to adopt a Noise Ordinance for the Town of Jonesville, Virginia, to prohibit certain noise constituting a nuisance.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council for the Town of Jonesville, Virginia:

Section 1                              Noise-Prohibited

It shall be unlawful for any person, or persons, to create or continue any unnecessary, unusual, loud, or disturbing noise within the Town, or any noise which is of such character, duration, volume, or intensity as to annoy, disrupt, or disturb the quiet, comfort, peace, or repose of any reasonable person or such as to be detrimental to the life, health, of safety of any person. Such noise is deemed a nuisance.

Section 2                              Enumeration of Certain Acts-Prohibited

The following acts are declared to constitute violations of Section 1 and to constitute unnecessary, unusual, loud and disturbing noise. The enumeration of these acts shall not be deemed to be exclusive of such act, or acts, as may create a violation under this section of Section 1.

- (1) Radios, Phonographs, High Fidelity Sets, Television Sets, Tape Decks, Compact Discs, Musical Instruments, and Similar Devices: It shall be unlawful for any person, or persons, to use or permit to be used or played any radio receiving set, phonograph, high fidelity sets, television set, tape decks, compact discs, musical instrument, or other machine or device for the manner as to disturb the peace, quiet, comfort, or repose of neighboring residents or occupant, of a multiple family unit, or any reasonable person of normal sensitivity or sensitiveness in the area. The operation of any of the aforesaid instrumentalities for the production of sound in such manner as to be plainly audible at either the property line or through an adjoining wall or party wall in the case of a multiple family dwelling shall be prima facie evidence of a violation of

this section.

- (2) **Animals and Fowl:** The keeping of any animal or bird which by causing frequent or long continued noise which shall disturb the comfort or repose of any person in the vicinity.
- (3) **Unauthorized Advertising:** The use of any drum, loudspeaker, or other instrument or device for the purpose of amplifying sound and attracting attention by creation of noise to any performance, show, sale, or display of merchandise, unless previously authorized by the Mayor or Town Council, is prohibited.
- (4) **Schools, Courts, Churches, Hospitals, Nursing Homes, Public Libraries:** The creation of any excessive noise on any street adjacent to any school, institution of higher learning, church, public library, or court while the same is in use, or adjacent to any hospital or nursing home which unreasonable interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital or nursing home, provided conspicuous signs are displayed upon such streets indicating the same is a school, court, church, hospital, nursing home, or public library.
- (5) **Yelling, Shouting, Whistling, or Singing:** Yelling, shouting, whistling, or singing between the hours of 10:00 p.m. and 8:00 a.m. so as to create a noise disturbance across a real property boundary or on any public right of way or public property is prohibited.

Section 3                      Loading and Unloading Operations; Opening or Destroying Bale's, Boxes, Etc.

The creation of any loud or excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers is hereby prohibited.

Section 4                      Vehicles

- (a) The starting, stopping, moving, or any other activity associated with a motor vehicle, so as to make or cause to be made any loud or unseemly noise, nuisance, or disturbance, whereby the quiet and good order of the premises or of the neighborhood is disturbed, is hereby prohibited.
- (b) The uses of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in any other manner so as to create loud and unnecessary grating, rattling, backfiring, or other noises is hereby prohibited.
- (c) The following acts among others, are declared to be in violation of this section, but such enumeration shall not be deemed

exclusive:

- (1) The practice of unnecessarily racing the motor of a vehicle while standing or moving and thereby causing unnecessary noise from such motor.
  - (2) The practice of unnecessarily retarding the spark to the motor of a motorcycle and thereby causing unnecessary loud and explosive noise from the motor.
  - (3) In starting a vehicle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor and the screeching of tires, or either of such noises.
  - (4) The practice of coming to an unreasonable quick stop with a vehicle and thereby causing unnecessary grinding of brakes and screeching of tires, or either of such noises.
- (d) Sounding of vehicle horn, signal device, or automobile alarms: It shall be unlawful for any person to sound any horn or signal device on an automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger control, or if in motion, only as a danger signal to pedestrians or vehicles. The creation, by means of any such signal device, of any unreasonably loud or harsh sound and the sounding of such device for any unnecessary and unreasonable period of time is prohibited.
- (e) Amplified sound from any vehicle. The playing, use, or operation, or the permitting of playing, use, or operation of any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound, which is located within a motor vehicle being operated on public property including a public street or alley, and which is audible from outside the motor vehicle at a distance of fifty (50) feet is prohibited.

## Section 5

### Noise in Public Places

- (a) The making by any person or persons of unreasonably loud or unnecessary noise, included but not limited that made by musical instruments or human voices in public places within the town is prohibited.
- (b) No person or persons shall engage in any conduct of unreasonably loud or unnecessary noise on the public sidewalks, streets, and public rights-of-ways or on privately owned property that is open to the public in the Town of Jonesville, Virginia.
- (c) This section is violated when a person making unlawful noise fails to comply with an order from police to control such noise. That person shall be guilty of a Class 3 Misdemeanor. The

standards which shall be considered in determining whether a violation of this section exists include, but shall not be limited to the:

- (1) Level of noise
- (2) Whether the nature of noise is usual or unusual
- (3) Whether the origin of the noise is natural or unnatural
- (4) The volume and intensity of the background noise, if any
- (5) The proximity of the noise to residential sleeping facilities or residences
- (6) The nature and zoning of the area within which the noise is created
- (7) The density of the habitation of the area within which the noise is created and emanates
- (8) The time of day or night the noise occurs
- (9) The duration of the noise
- (10) Whether the noise is recurrent, intermittent, or constant
- (11) Whether the noise is produced by commercial or noncommercial activity

The standard set forth herein shall be construed to be in the disjunctive and not require the presence of all of the standards to constitute a violation hereunder.

## Section 6                      Definitions

The following words, when used in this chapter, shall have the following respective meanings, unless the context clearly indicates a different meaning:

- I. Motor vehicle means every vehicle defined as a motor vehicle by 46.2-00, Code of Virginia 1950, as amended.
- II. Noise disturbance means any sound by which its character, intensity, and duration (1) endangers or injures the health or safety of persons within the town; or (2) annoys or disturbs reasonable persons of normal sensitivities within the town.
- III. Person means any individual, corporation, cooperative partnership, firm, association, trust, estate, private institution, group, agency or legal successor, representative, agent or agency thereof.
- IV. Public property means any real property owned or controlled by the town or any other governmental entity.
- V. Public right-of-way means any street, avenue, boulevard, highway, sidewalk, or alley.
- VI. Real property boundary means the property line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

- VII. Residential means and includes any building or group of buildings that are used solely for residential purposes.
- VIII. Sound means oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

No provision of this article shall apply to the emission of sound for the purpose of alerting persons to the existence of an emergency work or the activities specifically exempted below.

## Section 7 Exemptions

- (1) This chapter shall not apply to any noise or sound generated by any of the following:
  - (a) Band performances or practices, athletic contests or practices, and other school-sponsored activities on the grounds of public or private schools or at a school-sponsored activity.
  - (b) Athletic contests or other officially sanctioned activities on town or county property.
  - (c) Activities relating to the construction to need common repair, maintenance, remodeling, or demolition, grading other improvement of real property between the hours of 6:00 a.m. and 10:00 p.m.
  - (d) Gardening, lawn care, tree maintenance or removal, and other landscaping activities between the hour of 8:00 a.m. and 8:00 p.m.
  - (e) Church bells between the hour of 8:00 a.m. and 8:00 p.m.
  - (f) Religious or political gatherings and other activities protected by the First Amendment of the United States Constitution.
  - (g) Activities for which the regulation of noise has been permitted by Federal Law.
  - (h) Refuse and sanitation collection.
  - (i) Any emergency vehicles or emergency operations.
  - (j) Any town activities or town vehicles.
  - (k) Any noises in an industrial or commercial zone necessary to the operation of the industry or the commercial enterprise.
- (2) The Mayor and/or Town Council upon written request, may exempt persons from the provisions of this chapter for periods up to ten (10) calendar days. Any period of exemption in excess of ten (10) days shall be referred to the Mayor and/or Town Council for action.

## Section 8 Punishment

It shall be a Class 3 Misdemeanor, that being a fine of not more than five hundred dollars (\$500.00), and a Public Nuisance for any person to willfully make, permit, continue, or cause to be made, any noise disturbance, in violation of the said ordinance.

Adopted this 8<sup>th</sup> day of August, 2000.  
Town of Jonesville, Virginia  
County of Lee

Section 7.17                      Dance Halls

Section 7.17.1                      Dance Halls-Definition

A public dance hall shall be constructed to mean any place open to the general public where dancing is permitted. This section shall not apply to dances held for benevolent purposes or when the same is conducted under the auspices of religious, educational, civic, or military organizations.

Section 7.17.2                      Dance Halls-Permits

No person, firm, or corporation shall in the town operate or conduct a public dance hall as defined in Section 7.17.1 without a permit.

Section 7.17.3                      Dance Halls-Application for Permits

- (a) Upon satisfactory evidence that an applicant is a proper person, to the Town Council after public notice of the intent to make application has been published once a week for two consecutive weeks, the Town Council may issue a dance hall permit with such restrictions as to hours, which such dance hall may be opened, supervision and regulation as they may deem proper. The said permit may be revoked upon ten (10) days notice by the Council for good cause shown, after a hearing upon the merits.
- (b) Before operating such a dance hall, such person shall pay the license tax provided by the License Tax Ordinance of the Town.
- (c) Any person, firm, or corporation, violating the provisions of this chapter shall be guilty of a Class 3 Misdemeanor.

Section 7.18                      Emergency Equipment

Calling or summoning ambulance or fire fighting apparatus without just cause: Any person who without just cause therefore, calls or summons, by telephone or otherwise, any ambulance, or fire fighting apparatus, shall be deemed guilty of a Class 1 Misdemeanor.

Section 7.19                      Expectorating in Public Places

No person shall spit, expectorate, or deposit any sputum, saliva, mucus, or any form of saliva or sputum upon the floor, stairways, or upon any part of any public building or place where the public assemble, or upon the floor of any part of any public conveyance, or upon any sidewalk abutting on any public street, alley, or lane, of any town or city. Any person violating any provision of this section shall be guilty of a Class 4 Misdemeanor.

Section 7.20                      False Pretenses

Unlawful operation of coin box telephone, parking meter, vending machine, etc.: Any person who shall operate, cause to be operated, or attempt to operate or cause to be operated any coin box telephone, parking meter, vending machine, or other machine that operates on the coin-in-the-slot principle, whether of like kind or not, designed to only receive lawful coin of the United States of America, in connection with the use or enjoyment of telephone or telegraph service, parking privileges, or any other service, or the sale of merchandise or other property, by means of a slug, or any false, counterfeit, mutilated, sweated, or foreign coin, or by any means, method, trick, or device whatsoever, not authorized by the owner, lessee, or licensee of such coin box, telephone, parking meter, vending machine, or other machine, designed only to receive lawful coin of the United States of America, without depositing in or surrendering to such coin box telephone, parking meter, vending machine, or other machine lawful coin of the United States of America to the amount required therefore by the owner, lessee, or licensee of such coin box telephone, parking meter, vending machine, or other machine, shall be guilty of a Class 3 Misdemeanor.

Section 7.21                      False Representation

Any person who:

- (a) Shall knowingly make or cause to be made either directly or indirectly, or through any agency, any false statement in writing, with that it shall be relied upon, concerning the financial condition or means or ability to pay of himself, or of any other person for whom he is acting, or any firm or corporation in which he is interested or for which he is acting, for the purpose of procuring, for his own benefit or for the benefit of such person, firm, or corporation, the delivery of personal property, the payment of cash, the making of a loan or credit, the discount of an account receivable, or the making, acceptance, discount, sale, or endorsement of a bill of exchange or promissory note; or
- (b) Knowing that a false statement in writing concerning the financial condition or ability to pay of himself or of any such person, firm, or corporation has been made, procures with like intent, upon the faith thereof, for his own benefit, or for the benefit of such person, firm, or corporation, any such delivery, payment, loan, credit, extension, discount making, acceptance, sale, or

endorsement, and fails to pay for such loan, credit, or benefit so procured, shall, if the value of the thing or the amount of the loan, credit, or benefit procured is one hundred (\$100.00) dollars or more, be guilty of a Class 6 felony; or if the value be less than one hundred (\$100.00) dollars, be guilty of a Class 4 Misdemeanor.

Section 7.22 Fireworks

- (a) No person shall set off any fireworks or explode any popcrackers within the streets of the Town of Jonesville. The Mayor may issue a proclamation suspending the operation of this section for a specified period of time in so far as it may apply to fireworks; the limits shall be specifically stated in said proclamation. Amended 8/11/92.
- (b) For every violation of this section, the penalty shall be fined not less than one (\$1.00) dollar nor more than twenty (\$20.00) dollars for such offense.

Section 7.23 Gambling

Section 7.23.1 Gambling-Definitions

- (a) "Illegal Gambling"-The making, placing, or receipt of any bet or wager in this town of money or other thing of value, made in exchange for a chance to win a prize, stake, or other consideration, or other thing of value, dependent on the result of the game, contest, or any other event, the outcome of which is uncertain or a matter of chance, whether such game, contest, or event, occurs or is to occur inside or outside the city limits of this town, shall constitute illegal gambling.
- (b) "Gambling Device"-A gambling device includes:
  - (1) Any device, machine, paraphernalia, equipment, or other thing, including books, records, other papers, which are actually used in an illegal gambling operation or activity; and
  - (2) Any machine, apparatus, implement, instrument, contrivance, board, or other thing, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value to which the player is entitled; provided however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value within the meaning of this subsection; and provided further, that machine that only sell, or entitle the user to, items of merchandise of equivalent that may differ from each other in composition, size, shape, or color, shall not be deemed gambling devices within the meaning of this subsection. Such devices

are no less gambling devices if they indicate beforehand the definite result of one or more operations but not all the operations. Nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

- (3) "Operator"-an operator includes any person, firm, or association of persons, who conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling enterprise, activity, or operation.

#### Section 7.23.2                      Penalty for Illegal Gambling

Except as otherwise provided in this article, any person who illegally gambles shall be guilty of a Class 3 Misdemeanor. If an association or pool of persons illegally gambles, each person therein shall be guilty of illegal gambling.

#### Section 7.23.3                      Owners, etc., of Gambling Places Permitting its Continuance-Penalty

If the owner, lessee, tenant, occupant, or other person in control of any place or conveyance, knows or reasonably should know, that it is being used for illegal gambling, and permits such gambling to continue without having notified a law enforcement officer of the presence of such illegal gambling activity, he shall be guilty of a Class 1 Misdemeanor.

#### Section 7.23.4                      Accessories to Gambling Activity

Any person, firm, or association of persons, other than those persons specified in other sections of this article, who knowingly aids, abets, or assists in the operation of an illegal gambling activity shall be guilty of a Class 2 Misdemeanor.

#### Section 7.23.5                      Illegal Possession, etc. of Gambling Devices-Penalty

A person is guilty of illegal possession of a gambling device when he manufactures, sells, transports, rents, gives away, places, or possesses, or conducts, or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, believing or having reason to believe that the same is to be used in the advancement of unlawful gambling activity. Violation of any provision of this section shall constitute a Class 1 Misdemeanor.

#### Section 7.23.6                      Exception-Private Residence

Nothing in this section shall be construed to make it illegal to participate in a game of chance conducted in a private residence, provided such private residence is not commonly used for such games of chance and there is no operator as defined in subsection (3) of Section 7.23.

Section 7.23.7                      Exceptions as to Bingo Games and Raffles Conducted by Certain Organizations, Under Section 18.2.335 of the Code of Virginia

Section 7.23.8                      Forfeiture of Money, Gambling Devices, Seized from Illegal Gambling Enterprise; innocent Owners or Lienors

All money, gambling devices, office equipment, or other personal property used in connection with an illegal gambling enterprise or activity, and all money, stakes, and thing of value received or proposed to be received by a winner in any illegal gambling transaction, which are lawfully seized by any law enforcement officer or which shall lawfully come into his custody, shall be forfeited to the Town by order of the court in which a conviction under this article is obtained. Such court shall order all money so forfeited paid over to the Town and by order shall make such disposition of other property so forfeited as the court deems proper, including award of such property to any town, agency, or other charitable organization for lawful purposes, or in case of the sale thereof the proceeds therefrom to be paid over to the Town. Provided, however, that such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law.

Section 7.24                      Halloween

An ordinance regulating the assembling, roaming, traveling of persons between the ages of 12 and 16 years of age:

In the streets of Jonesville on Halloween and trick or treat visitations within the Town to be limited to children 12 years of age and under and to provide a special curfew hour 10:30 p.m., EST for all persons 16 years of age and under. This would exclude any person in this age bracket that is gainfully employed. This ordinance being adopted for the purpose of promoting the peace, safety, and general welfare of the said town and its citizens. (10/1/64)

- (a) It shall be unlawful for any person over twelve (12) years of age to appear in or upon any of the streets, highways, alleys, or public places of the Town of Jonesville in any mask or disguise whereby the identity of such person is concealed, without the consent of the Mayor.
- (b) It shall be unlawful for any person sixteen (16) years of age and under to appear on the streets, highways, alleys, or public places after the hour of 10:30 p.m. EST on Halloween night.
- (c) It shall be unlawful for any person to appear on the streets, highways, public homes, privates homes, alleys, or public places in the Town of Jonesville to make Trick or Treat visitations; except that this section shall not apply to children twelve (12) years of age or younger. Children in this age bracket must also comply with the curfew.
- (d) Any person violating the provisions of this ordinance shall, in the

discretion of the court trying the case, be subject to a fine of not less than one dollar (\$1.00) nor more than ten (\$10.00) dollars or if such person is under fourteen (14) years of age such other punishment as the General District Court shall deem proper.

Section 7.25                      Impersonation

- (a) Impersonating an Officer: Any person who shall falsely assume or exercise the functions, powers, duties, and privileges incident to the office of sheriff, police officer, marshal, or other peace officer, shall be deemed guilty of a Class 1 Misdemeanor.
- (b) Unlawful Wearing of Officer's Uniform or Insignia: Unlawful use of a vehicle with word "police" shown thereon-No person, not such officer as is referred to in 7.25, shall wear any such uniform as is designated pursuant to the provisions of such section or wear an insignia or markings containing the seal of the Commonwealth or the insignia of any such officer's uniform, nor shall any person not such an officer, or not authorized by such officer, or not authorized by the Military Police of the Armed Forces or of the National Guard, are not authorized by the Military Police or other governmental agencies, use or cause to be used on the public roads or highways of this town, any motor vehicle bearing markings with the word "Police" shown thereon. Any violation of this section shall be a Class 1 Misdemeanor.
- (c) Unauthorized Wearing or Displaying on Motor Vehicles or any Button, Insignia, or Emblem of Certain Associations or Societies:
  - (1) No person shall wear the button or insignia of any order of police, trade union, or veterans association or display upon a motor vehicle the insignia or emblem of any automobile club, medical society, order of police, trade union, or veterans' organization or use such button, insignia, or emblem to obtain aid or assistance unless entitled to wear, display, or use the same under the constitution, bylaws, rules, or regulations of the organization concerned.
  - (2) No person shall wear a Southern Cross of Honor when not entitled to do so by the regulations under which such crosses are given.
  - (3) A violation of this section shall be a Class 3 Misdemeanor.

Section 7.26                      Juveniles

- (a) Definitions: As used in this section:
  - (1) "Juvenile" means a person less than eighteen (18) years of age.
  - (2) "Nudity" means a state of undress so as to expose the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered or uncovered male genitals in a discernibly turgid state.
  - (3) "Sexual Conduct" means acts of masturbation, homosexuality, sexual

intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such be a female, breast.

- (4) "Sexual Excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
  - (5) "Sadomasochistic Abuse" means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of being fettered, bound or otherwise physically restrained on the part of one so clothed.
  - (6) "Harmful to Juveniles" means quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it (a) predominantly appeals to the prurient, shameful, or morbid interest, (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for juveniles, and (c) is utterly without redeeming social importance for juveniles.
  - (7) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both (a) the character and content of any material described herein which is reasonably susceptible of examination by the defendant, and (b) the age of the juvenile, provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of the juvenile.
- (b) Unlawful Acts
- (1) It shall be unlawful for any person knowingly to sell or loan to a juvenile:
    1. Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to juveniles; or
    2. Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (1) of the subsection, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse and which, taken as a whole, is harmful to juveniles; or
  - (2) It shall be unlawful for any person knowingly to sell an admission or ticket or pass, or knowingly to admit a juvenile to premises whereon there is exhibited a motion picture, show, or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sadomasochistic abuse, and which is harmful to juveniles or to exhibit any such motion picture at any such premises which are not designed to prevent viewing from any public way of such motion picture by juveniles not admitted to any such premises.

- (3) It shall be unlawful for any juvenile falsely to represent to any person mentioned in subsection (a) or subsection (b) hereof, or to his agent, that such juvenile is eighteen (18) years of age or older, with the intent to procure such juvenile's admission to any motion picture, show, or other presentation, as set forth in subsection (b).
- (4) It shall be unlawful for any person knowingly to make a false representation to any person mentioned in subsection (a) or subsection (b) hereof or to his agent, that he is the parent or guardian of any juvenile, or that any juvenile is eighteen (18) years of age, with the intent to procure any material set forth in subsection (a), or with the intent to procure such juvenile's admission to any motion picture, show, or other presentation, as set forth in subsection (b).
- (5) Violation of any provision hereof shall constitute a Class 1 Misdemeanor.

Section 7.27                      Juke Boxes

- (1) No person, firm, association, or corporation shall operate or play a juke box or automatic record playing machine, within the Town of Jonesville, Virginia, or allow the same to be operated or played in their place of business during the hours from 12:00 midnight until 6:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, and Sunday. (6/27/63)
- (2) No person, firm, association, or corporation shall operate or play a juke box or automatic record playing machine, within the Town of Jonesville, Virginia, or allow the same to be operated or played in their place of business on Sunday during the hours from 10:00 a.m. EST until Noon EST and during the hours from 6:00 p.m. until 8:00 p.m. EST. (6/27/63)
- (3) Any person, firm, corporation, or association who violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than \$100.00. (6/27/63)

Section 7.28                      Merchandise

If any person buy or receive from another person, or aid in concealing, any stolen goods or other thing, knowing the same to be stolen, he shall be deemed guilty of larceny thereof, and may be proceeded against, although the principal offender be not convicted.

Section 7.28.1                      Concealing or Taking Possession of Merchandise

Altering price tags; transferring goods from one container to another, counseling, etc., another in performance of such acts.

Whoever, without authority, with the intention of converting goods or merchandise to his own or another's use without having paid the full purchase price thereof, or of

defrauding the owner of the value of the goods or merchandise, (1) willfully conceals or takes possession of the goods or merchandise of any store or other mercantile establishment, or (2) alters the price tag or other price marking on such goods or merchandise, or transfers the goods from one container to another, or (3) counsels, assists, aids, or abets another in the performance of any of the above acts, shall be deemed guilty of larceny and upon conviction thereof shall be punished as provided in Section 12. The willful concealment of goods or merchandise of any store or other mercantile establishment, while still on the premises thereof shall be prima facie evidence of intent to convert and defraud the owner thereof out of the value of the goods or merchandise.

Section 7.28.2                      Punishment for Conviction Under Section 7.4

- (1) Any person convicted for the first time of an offense under Section 11, when the value of the goods or merchandise involved in the offense is less than one hundred (\$100.00) dollars, shall be guilty of a Class 1 Misdemeanor.
- (2) Any person convicted of an offense under Section 7.4, when the value of the goods or merchandise involved in the offense is less than one hundred (\$100.00) dollars, and it is alleged in the warrant on which he is convicted, and admitted, or found by the jury or judge before whom he is tried, that he has been before convicted in the Commonwealth of Virginia for the like offense, regardless of the value of the goods or merchandise involved in the prior conviction, shall be confined in jail not less than thirty (30) days nor more than twelve (12) months.

Section 7.28.3                      Exemption from Civil Liability in Connection with Arrest of Suspected Person

A merchant, agent, or employee of the merchant, who causes the arrest of any person pursuant to the provisions of Section 11 shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested, whether such arrest takes place on the premises of the merchant, his agent, or employee, provided that, in causing the arrest of such person, the merchant, agent, or employee of the merchant had at the time of such arrest probable cause to believe that the person committed willful concealment of goods or merchandise.

Section 7.29                      Obscenity

Obscene items shall include:

- (1) Any obscene book; or
- (2) Any obscene leaflet, pamphlet, magazine, booklet, picture, painting, drawing, photograph, film, negative, slide, motion picture, ; or

- (3) Any obscene figure, object, article, instrument, novelty device, or recording, or transcription used or intended to be used in disseminating any obscene song, ballad, words, or sounds.

Section 7.29.1                      Obscene Exhibitions and Performances

It shall be unlawful for any person knowingly to:

- (1) Produce, promote, prepare, present, manage, direct, carry on, or participate in, any obscene exhibitions or performances, including the exhibition or performance of any obscene motion picture, play, drama, show, entertainment, exposition, tableau, or scene; provided that, no employee of any person or legal entity operating a theatre, garden, building, structure, room, or place which presents such obscene exhibition or performance shall be subject to prosecution under this section if the employee is not the same manager of the theatre or an officer of such entity, and has no financial interest in such theatre other than receiving salary and wages; or
- (2) Own, lease, or manage any theatre, garden, building, structure, room, or place and lease, let, lend, or permit such theatre, garden, building, structure, room, or place to be used for the purpose of presenting such obscene exhibition or performance or to fail to post prominently therein the name and address of a person resident in the locality who is the manager of such theatre, garden, building, room or place.

Section 7.29.2                      Advertising etc. Obscene Items, Exhibitions or Performances

It shall be unlawful for any person knowingly to prepare, print, publish, or circulate, or cause to be prepared, printed, or published, or circulated, any notice or advertisement of any obscene item proscribed in Section 7.29, performance or exhibition proscribed in Section 7.29.1, stating or indicating where such obscene item, exhibition, or performance may be purchased, obtained, seen, or heard.

Section 7.29.3                      Placards, Posters, Bills, etc.

It shall be unlawful for any person knowingly to expose, place, display, post-up, exhibit, print, or mark, or cause to be exposed, placed, displayed, posted, exhibited, painted, printed, or marked in or on any building, structure, billboard, wall or fence, or on any street, or in or upon any public place, and p[placard, poster, banner, bill, writing, or picture which is obscene, or which advertises or promotes any obscene item proscribed in Section 7.29 or any obscene exhibition or performance proscribed in Section 7.29.2, or knowingly to permit the same to be displayed on property belonging to or controlled by him.

Section 7.29.4                      Employing or Permitting Minor to Assist in Offense Under Article

It shall be unlawful for any person knowingly to hire, employ, use, or permit any minor to

do or assist in doing any act or thing constituting an offense under this section.

Section 7.29.5                      Punishment for First Offense

Any person, firm, association, or corporation convicted for the first time of an offense under Section 82-88 shall be guilty of a Class 1 Misdemeanor.

Section 7.29.6                      Indecent Exposure

Every person who intentionally makes an obscene display or exposure of his person, or the private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, shall be guilty of a Class 1 Misdemeanor.

Section 7.29.7                      Profane Swearing and Drunkenness

If any person profanely curse or swear or be drunk in public he shall be deemed guilty of a Class 4 Misdemeanor. If three times within one year in this town, upon the third or any subsequent conviction for such offense within the period of one year, such person shall be guilty of a Class 3 Misdemeanor.

Section 7.30                         Petit Larceny

Petit larceny defined; how punished; any person who:

- (1) Commits larceny from a person of another of money or other thing of value of less than five (\$5.00) dollars; or
- (2) Commits simple larceny not from the person of another of goods and chattels of the value of less than one hundred (\$100.00) dollars, shall be deemed guilty of petit larceny, which shall be punishable as a Class 1 Misdemeanor.

Section 7.31                         Peace and Order

Section 7.31.1                      Obstructing Free Passage of Others

Any person or persons who in any public place or on any private property open to the public unreasonably or unnecessarily obstructs the free passage of other persons to and from or within such place or property and who shall fail or refuse to cease such obstruction or move on when requested to do so by the owner or lessee or by a duly authorized law enforcement officer shall be guilty of a Class 1 Misdemeanor. Nothing in this section shall be constructed to prohibit lawful picketing.

Section 7.31.2                      What Constitutes a Riot; Punishment

Any unlawful use by three or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace, or order is a riot. Every person convicted of participating in any riot shall be guilty of a Class 1 Misdemeanor.

Section 7.31.3                      Remaining at Place of Riot or Unlawful Assembly after Warning to Disperse

Every person, except the owner or lessee of the premises, his family or non-rioting guests, and public officers and persons assisting them, who remain at the place of any riot or unlawful assembly after having been lawfully warned to disperse, shall be guilty of a Class 3 Misdemeanor.

Section 7.32                      Pool Rooms

- (1) No minor under the age of eighteen (18) years of age shall frequent, play in, loiter in any public pool room, nor shall the proprietor of any pool room or billiard room or his agent permit any minor to frequent, play in, or loiter in any place in violation of the foregoing.
- (2) Any minor, proprietor, or agent violating the provisions of (1) shall be guilty of a Class 3 Misdemeanor.
- (3) All pool rooms in the town shall close at 12:00 a.m., midnight, and remain closed until 7:00 a.m. the next day succeeding.
- (4) The interior of all such rooms shall at all times be exposed to the public view.

Section 7.33                      Public Address Systems

- (1) All people using Public Address System or Loud Speakers for advertising purposes, or otherwise, shall be required to secure a permit for such use.
- (2) For violation of this ordinance they shall be fined ten (\$10.00) dollars for each offense. (6/20/47)

Section 7.34                      Realty and Personal, Damage To

Section 7.34.1                      Injuring, etc., any Property, Monument, etc.

If any person, unlawfully, but not feloniously, take and carry away, or destroy, deface or injure, any property real or personal, not his own, or break down, destroy, deface, injure, or remove any monument erected for the purpose of marking the site of any engagement fought during the war between the states, or for the purpose of designating the boundaries of any city, town , tract of land, or any tree marked for that purpose, he shall be guilty of a Class 3 Misdemeanor.

Section 7.34.2                      Injuries to Public Buildings, etc.

If any person willfully and maliciously break any window or door of any house of public worship, college, school house, town hall, or other public building or library, or willfully and maliciously injure or deface any other public buildings or on any public grounds; or willfully and maliciously injure or deface any courthouse, house of public worship, or

town hall, or any other public building; or willfully and maliciously destroy or carry away any furniture belonging to, or in any of such buildings; or willfully and maliciously and unlawfully injure or deface any book, newspaper, magazine, pamphlet, map, picture, manuscript, or other property belonging to any public library, reading room, museum, or other education institution, or unlawfully remove the same therefrom, he shall be guilty of a Class 1 Misdemeanor.

Section 7.34.3 Injuries to Trees, Fences, or Herbage in any Public Square

If any Person:

- (1) Cut down, pull up, girdle, or otherwise injure or destroy any tree growing in any public square or grounds; or
- (2) Willfully and maliciously injure the fences or herbage of the lands of the town; he shall be guilty of a Class 3 Misdemeanor.

Section 7.34.4 Destruction of Trees, Shrubs, etc.

It shall be unlawful for any person to pick, pull, pull up, tear, tear up, dig, dig up, cut, break, injure, burn, or destroy, in whole or in part, any tree, shrub, vine, plant, flower, or turf found, growing or being upon the land of another, or upon any land reserved, set aside, or maintained as a public park. Any person violating this section shall be guilty of a Class 3 Misdemeanor.

Section 7.34.5 Cutting or Destroying Trees, Carrying Axe, Saw, Etc., While Hunting

It shall be unlawful for any person while hunting for game or wildlife on the property of another to carry an axe other than a belt axe with a handle less than twenty (20) inches, saw, or other tool or instrument customarily used for the purpose of cutting, felling, mutilating, or destroying trees without obtaining prior permission of the landowner. Any person violating the provisions of this section shall be guilty of a Class 3 Misdemeanor.

Section 7.34.6 Stealing From or Tampering with Parking Meter, Vending Machine, Pay Telephone, Etc.

Any person who, enters, forces, or attempts to force an entrance into, tampers with, or inserts any part of an instrument into any parking meter, vending machine, pay telephone, money changing machine, or any other device designed to receive money, with intent to steal therefrom, shall for the first conviction thereof be guilty of a Class 1 Misdemeanor.

Section 7.35 Refrigerators-Discarding or Abandoning Iceboxes, Etc.: Precautions Required

It shall be unlawful for any person, firm, or corporation to discard, abandon, leave, or allow to remain in any place any icebox, refrigerator, or other container, device, or equipment of any kind with an interior storage area of more than 2 cu. Ft. of clear space which is airtight, without first removing the door or hinges from such icebox, refrigerator, container, device, or equipment.

Section 7.36 Sexual Offenses, Prostitution, Etc.

Section 7.36.1 Fornication Defined; Penalty

Any person, not being married, who voluntarily shall have sexual intercourse with any other person, shall be guilty of fornication, punishable as a Class 4 Misdemeanor.

Section 7.36.2 Lewd and Lascivious Cohabitation

If any person, not married to each other, lewdly and lasciviously associate and cohabit together, or, whether married or not, be guilty of open and gross lewdness and lasciviousness, each of them shall be guilty of a Class 3 Misdemeanor; and upon repetition of the offense, and conviction thereof, each of them shall be guilty of a Class 1 Misdemeanor.

Section 7.36.3 Being a Prostitute and Prostitution Defined

Any person, who, for money or its equivalent, commits adultery or fornication or offers to commit adultery or fornication and thereafter does any substantial act in furtherance thereof, shall be guilty of being a prostitute or prostitution, which shall be punishable as a Class 1 Misdemeanor.

Section 7.36.4 Keeping, Residing in or Frequenting a Bawdy Place; "Bawdy Place" Defined

It shall be unlawful for any person to keep any bawdy place, or to reside in or at or to visit, for immoral purposes, any such bawdy place. Each and every day such bawdy place shall be kept, resided in, or visited, shall constitute a separate offense. In a Prosecution under this section the general reputation of the place may be proved.

As used in this Code, "Bawdy Place" shall mean any place within or without any building or structure which is used or is to be used for lewdness, assignation, or prostitution.

Section 7.36.5 Aiding Prostitution or Illicit Sexual Intercourse

It shall be unlawful for any person or any officer, employee, or agent of any firm, association, or corporation, with knowledge of, or good reason to believe, the immoral

purpose of such visit, to take or transport or to assist in taking or transporting, or offer to take or transport on foot or in any way, any person to a place, whether within or without any building or structure, used or to be used for the purpose of lewdness, assignation, or prostitution within this town; or procure or assist in procuring for the purpose of illicit sexual intercourse.

Section 7.36.6                      Using Vehicles to Promote Prostitution or Unlawful Sexual Intercourse

It shall be unlawful for any owner or chauffeur of any vehicle, with knowledge or reason to believe the same is to be used for such purpose, to use the same or allow the same to be used for the purpose of prostitution or unlawful sexual intercourse by the use of any such vehicle.

Section 7.36.7                      Penalty

Every person convicted of being a prostitute and every person convicted of violating any provisions of Section 7.36.3 through Section 7.36.5 shall be guilty of a Class 1 Misdemeanor.

Section 7.37                      Sunday Offenses

Working or Transaction Business on Sunday:

- (a) On the first day of the week, commonly known and designated as Sunday, no person shall engage in work, labor, or business, or employ others to engage in work, labor, or business except in the following industries and businesses:
  - (1) Transportation by whatever means and supporting facilities;
  - (2) Public services and utilities, manufacturing, processing, and plant operation of all types;
  - (3) Publishing, including the distribution of magazines and newspapers;
  - (4) Servicing, fueling, and emergency repair of motor vehicles, boats, and aircraft;
  - (5) Operation of motion picture theatres and the production of radio and television programs;
  - (6) Medical services and other professional services on an emergency basis;
  - (7) Sports, athletic events, and the operation of historic, entertainment, and recreational facilities, and the sale or rental of boats, and swimming, and fishing, and boating equipment.
  - (8) Agriculture, including the operation of nurseries;
  - (9) Preparation and sale of prescription and non-prescription drugs and the sale of medical and hygienic supplies and baby supplies;
  - (10) Wholesale food warehouses and ship chandleries;
  - (11) Restaurants and delicatessens;
  - (12) Janitorial, custodial, and like services;
  - (13) Operation of hotels, motels, and funeral homes;
  - (14) Mining and supporting facilities;

- (15) Sale of food;
  - (16) Sale of tobacco and related products;
  - (17) A drug store, a majority of the sales receipts of which consist of prescription and non-prescription drugs, health and beauty aids;
  - (18) Sale of novelties, cameras, photographic supplies (including film and flash bulbs), antiques, pictures, paintings and supplies, and souvenirs;
  - (19) Sale or leasing of noncommercial property and mobile homes.
- (b) This section shall not be applicable to works of charity conducted solely for charitable purposes by any person or organization or engages in business for profit.
  - (c) Any person violating the provisions of this section shall be guilty of a misdemeanor.
  - (d) Nothing contained herein shall be construed to permit any fine or penalty against any employee or agent who has been caused, directed, or authorized by his employer to violate any provision of this section, in which case the employer shall be subject to the sanctions prescribed by this section.

Section 7.38 Slander and Libel

Any person who shall falsely utter and speak, or falsely write or publish, of and concerning any female of chaste character, any words derogatory of such female's character for virtue and chastity, or imputing to such female acts not virtuous and chaste, or who shall falsely utter and speak, or falsely write or publish, of and concerning another person, any words which from their usual construction and common acceptance are construed as insults and tend to violence and breach of the peace or shall use grossly insulting language to any female of good character or reputation, shall be guilty of a Class 3 Misdemeanor.

Section 7.39 Trespass

Section 7.39.1 Trespass After Having Been Forbidden to Do So

If any person without authority of law go upon or remain upon the lands, buildings, or premises of another, or any part, portion, or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted on such lands, buildings, premises, or part or portion thereof at a place or places where it or they may be reasonably seen; he shall be guilty of a Class 1 Misdemeanor.

Section 7.39.2 Instigating, Etc., such Trespass By Others

Preventing service to persons not forbidden to trespass: If any person shall solicit, urge,

encourage, exhort, instigate, or produce another or others to go upon or remain upon the lands, buildings, or premises of another, or in any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing, to do so by the owner, lessee, custodian, or other person lawfully in charge thereof, or knowing such person or persons to have been forbidden to do so by a sign or signs posted on such lands, buildings, premises, or part or portion of area thereof at a place or buildings, premises, or part, portion, or area thereof at a place or places where it or they may reasonably be seen; or if any person shall on such lands, buildings, premises, or part, portion, or area thereof prevent or seek to prevent the owner, lessee, custodian, or other person lawfully in charge or any of his employees from rendering service to any person or persons not forbidden, he shall be guilty of a Class 1 Misdemeanor.

Section 7.39.3                      Entering Property of Another for Purposes of Damaging It, Etc.

It shall be unlawful for any person to enter the land, dwelling, outhouse, or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user, or the occupant thereof to use such property free from interference. Any person violating the provisions of Sections a, b, or c shall be guilty of a Class 1 Misdemeanor.

Section 7.39.4                      Trespass at Night Upon Church or School Property

It shall be unlawful for any person, without the consent of some person authorized to give such consent, to go or enter upon, in the nighttime, the premises or property of any church or upon any school property for any purpose other than to attend a meeting or service held or conducted in such church or school property.

Any person violating the provisions of this section shall be guilty of a Class 4 Misdemeanor.

Section 7.39.5                      Failure to Leave Premises of Institution of Higher Learning when Directed to Do So

Any person, whether or not a student, directed to leave the premises of any institution of higher learning by a person duly authorized to give such a direction and who fails to do so shall be guilty of a Class 3 Misdemeanor. Each day such person remains on the premises after such direction shall constitute a separate offense.

Section 7.39.6                      Peeping or Spying into Structure Occupied as Dwelling

If any person shall enter upon the property of another, in the nighttime, and secretly or furtively peep through or attempt to so peep, into, through, or spy through a window, door, or other aperture of any building, structure, or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such occupancy be

permanent or temporary, such person shall be guilty of a Class 1 Misdemeanor.

Section 7.39.7                      Trespass upon Licensed Shoot Preserve

It shall be unlawful for any person to trespass on a licensed shooting preserve. Any person convicted of such trespass shall be guilty of a Class 4 Misdemeanor and shall be responsible for all damage. Owners or keepers of dogs trespassing on preserves shall be responsible for all damage done by such dogs.

Section 7.39.8                      Trespass by Hunters and Fishers

Any person who goes on the lands, waters, ponds, boats, or blinds of another to hunt, fish, or trap without the consent of the landowner or his agent so to do shall be guilty of a Class 3 Misdemeanor.

Section 7.39.9                      When Identification Required

Any person who goes on the lands, waters, ponds, boats, or blinds of another to hunt, fish, or trap and willfully refuses to identify himself when requested by the landowner or his agent to do so shall be deemed guilty of a Class 4 Misdemeanor.

Section 7.39.10                      Trespass on Posted Property

Any person who goes on the lands, waters, ponds, boats, or blinds of another, upon which signs or posters prohibiting hunting, fishing, or trapping have been placed, to hunt, fish, or trap except with the written consent of or in the presence of the owner or his agent shall be guilty of a misdemeanor and punished by a fine of not more than two hundred fifty (\$250.00) dollars or by confinement in jail for not more than thirty (30) days, either or both.

Section 7.39.11                      Destruction of Posted Signs; Posting Land of Another

Any person who shall mutilate, destroy, or take down any "posted". "No Hunting", or other similar sign or poster on the lands or waters of another.

Section 7.40                      Utilities-Offenses Relating To

Section 7.40.1                      Injury to Oil, Telegraph, Telephone, Electric, Gas, or Water Facility

Any person who shall intentionally destroy or damage any facility which is used to furnish oil, telegraph, telephone, electric, gas, or water service to the public shall be guilty of a Class 4 Felony, provided that in the event the destruction or damage may be remedied or repaired for one hundred (\$100.00) dollars or less, such act shall constitute a Class 3 Misdemeanor.

Section 7.40.2                      Tampering with Meter Device; Diverting Service

Any person who shall tamper with any metering device incident to the facilities set forth in Section 34, or otherwise intentionally prevent such a metering device from properly registering the degree or amount of quantity of such service supplied, or who shall divert such service excepting however, telephonic or electronic extension not owned or controlled by any such company without authorized from the owner of such facility who or which furnishes such service to the public, shall be guilty of a Class 3 Misdemeanor.

Section 7.40.3 Unlawful Use Of, or Injury To, Telephone and Telegraph Lines: Copying or Obstructing Messages

- (a) Maliciously injure, molest, cut down, or destroy any telephone or telegraph line, wire, cable, or pole, or the material or property belonging thereto; or
- (b) Maliciously cut, break, tap, or make any connection with any telephone or telegraph line, wire, cable, or instrument of any telegraph or telephone company which has legally acquired the Right-of-Way by purchase, condemnation, or otherwise; or
- (c) Maliciously copy in any unauthorized manner any message, either social, business, or otherwise, passing over any telephone or telegraph line, wire, or cable in this state; or
- (d) Willfully or maliciously prevent, obstruct, or delay by any means or contrivance whatsoever the sending, conveyance, or delivery in this state of any authorized communication by or through any telephone or telegraph line, wire, or cable under the control of any telephone or telegraph company doing business in this Town; or
- (e) Maliciously aid, agree with, employ, or conspire with any unauthorized person or persons unlawfully to do or cause to be done any of the acts hereinbefore mentioned, shall be guilty of a Class 3 Misdemeanor.

Section 7.40.4 Unlawful Use Of, or Injury to, Television or Radio Signals and Equipment

Any person who shall willfully or maliciously break, injure, or otherwise destroy or damage any of the posts, wires, towers, or other materials or fixtures employed in the construction or use of any line of a television coaxial cable, or a microwave radio system, or willfully or maliciously interfere with such structure so erected, or in any way attempt to lead from its uses or make use of the electrical signal or any portion thereof properly belonging to or in use or in readiness to be made use of for the purpose of using said electrical signal from any television coaxial cable company or microwave system or owner of such property, shall be guilty of a Class 3 Misdemeanor.

Section 7.40.5 Disclosing or Inducing Disclosure of Certain Information Concerning Customers of Telephone Companies

- (a) Who is an employee of a telephone company, or an employee of a company which prints or otherwise handles lists of telephone customers for a telephone

company and who discloses to another the names, addresses, or telephone numbers of any two or more such telephone customers of telephone service, knowing that such disclosure is without the consent of the telephone company furnishing the service; or

- (b) Who knowingly induces such an employee to make such disclosure by giving, offering, or promising to such employee any gift, gratuity, or thing of value, or by doing or promising to do any act beneficial to such employee

Section 7.41 Utilities-Telephone-Unlawful Use

- (a) Use of Profane, Threatening, or Indecent Language over Telephone: If any person shall curse, abuse anyone, or use vulgar, profane, threatening, or indecent language over any telephone in this town shall be guilty of a Class 1 Misdemeanor.
- (b) Giving False Information to Another by Telephone: If any person maliciously advises or informs another over the telephone in this town of the death of, accident to, injury to, illness of, or disappearance of some third party, knowing the same to be false, he shall be guilty of a Class 1 Misdemeanor.
- (c) Causing Telephone to Ring with Intent to Annoy: Any person who, without intent to converse but with intent to annoy any other person, causes any telephone not his own to ring, and any person who permits or condones the use of any telephone under his control for such purpose, shall be guilty of a Class 3 Misdemeanor.

Section 7.42 Weapons-Discharging

Willfully Discharging Firearms in Public Places: If any person willfully discharge or cause to be discharged any firearm in any street in a city or town, or in any place of public business or place of public gathering, he shall be guilty of a Class 1 Misdemeanor; provided, that this section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law.

Section 7.43 Weapons-Brandishing

Pointing or Brandishing a Firearm or Object Similar in Appearance:

- (a) It shall be unlawful for any person to point, or brandish any firearm, as hereinto described, or any object similar in appearance to a firearm, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another. Persons violating the provisions of this section shall be guilty of a Class 1 Misdemeanor.
- (b) Any police officer, in the performance of his duty in making an arrest under the provisions of this section shall not be civilly liable in the damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, or brandishing such

firearm or object which was similar in appearance to a firearm, with intent to induce fear in the mind of another.

- (c) For purposes of this section the word “firearm” shall mean any weapon in which ammunition may be used or discharged, by explosion, or pneumatic pressure. The word “ammunition” as used herein, shall mean cartridge, pellet, ball, missile, or projectile adapted for use in a firearm.

Section 7.44                      Weapons-Carrying

Carrying a Dangerous Weapon to Place of Religious Worship: If any person carries any gun, pistol, bowie knife, dagger, or other dangerous weapon, without good and sufficient reason, to a place of worship while a meeting for religious purposes is being held at such place, he shall be guilty of a Class 4 Misdemeanor.

Section 7.45                      Weapons-Selling or Giving Toy Firearms

No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift, or in any other manner any toy gun, pistol, rifle, or other toy firearm if the same shall, by means of powder or other explosive, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a Class 4 Misdemeanor. Each sale of the articles hereinbefore specified to any person shall constitute a separate offense.

Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

Section 7.46                      Weapons-Shooting of

If any person discharges a firearm in or along any road, or within one hundred (100) yards thereof, or in a street of any city or town, he shall, for each offense, be guilty of a Class 4 Misdemeanor.

The provisions of this section shall not apply to firing ranges or shooting matches maintained, and supervised, or approved, by law enforcement officers and military personnel in performance of their lawful duties.

Section 7.47                      Weapons-Concealed

Carrying Concealed Weapons; When Lawful to Carry: If any person carry about his person, hid from common observation, any pistol, dirk, bowie knife, switchblade knife, razor, slingshot, metal knucks, or any weapon of like kind, he shall be guilty of a Class 1 Misdemeanor, and such weapon shall be forfeited to the Commonwealth by order of the court trying the case, which shall make such disposition of such weapon as it deems proper by entry of an order of record.

This section shall not apply to any Police Officers, Sergeants, Sheriffs, Officers, or Guards of the penitentiary or other institutions or camps of the State of Corrections

System, conservators of the peace other than notaries of public, to carriers of United States Mail in the rural districts, while in the discharge of their official duties, or to any person while in his own place of abode.

Section 7.48 Weapons-Minors

Furnishing Certain Weapons to Minors: If any person sell, barter, give, or furnish or cause to be sold, bartered, given, or furnished to any minor a pistol, dirk, switchblade knife, or bowie knife, having good cause to believe him to be a minor, such person shall be guilty of a Class 4 Misdemeanor.

Section 7.49 Weapons-Forfeiture

Forfeiture of Certain Weapons Used in Commission of Criminal Offense: All pistols, rifles, dirks, bowie knives, switchblade knives, razors, slingshots, brass or metal knucks, blackjacks, and other weapons used by any person or persons in commission of a criminal offense, may, upon conviction of such person or persons so using the same, be forfeited to the Commonwealth by order of the court trying the case, which shall make such disposition of such weapons as it deems proper by entry of an order of record.

Section 7.50 Wells or Pits

Duty of Persons Causing Well or Pit to be Dug to Fill it Before Abandonment: Any person who has cause to be dug on his own land or the land of another any well or pit, shall fill such well or pit with earth so that the same shall not be dangerous to human beings, animals, or fowls before such well or such pit is abandoned; and any person owning land whereon any such well or pit is located shall in the same manner fill with earth any such well or pit which has been abandoned, provided such person has knowledge of the existence of such well or pit.

But in the case of mining operations in lieu of filling, the shaft or pit the owner or operator thereof on ceasing operations in such shaft or pit shall securely fence the same and keep the same at all times thereafter securely fenced.

Any person violating any provision of this section shall be deemed guilty of a Class 3 Misdemeanor.

Section 7.51 Wells, Cover

Covers to be Kept on Certain Wells: Every person owning or occupying any land on which there is a well having a diameter greater than six (6) inches and which is more than ten (10) feet deep shall at all times keep the same covered in such a manner as not to be dangerous to human beings, animals, or fowls.

Any person violating the provisions of this section shall be guilty of a Class 3 Misdemeanor.

Section 7.52 Yard Sales

- (a) Any person who shall offer for sale any items of tangible personal property at sales commonly known as “yard”, “garage”, or “back yard” sales, on property classified as residential by the zoning ordinance of the Town, shall pay a specific fee of five (\$5.00) dollars for the privilege of conducting such sale. A permit shall be valid for no more than two (2) consecutive days and no more than four (4) permits shall be issued in any twelve (12) month period to the same person or for a sale on the same property.
- (b) No permit shall be issued under this section, except on a sworn statement or affidavit of the applicant that only secondhand or used items owned by such applicant shall be offered for sale, and complete an application at the Town office. No person shall give a false statement or affidavit in order to obtain such permit.
- (c) Any violation of this ordinance shall subject the violator or property owner to a fine of not less than one hundred (\$100.00) dollars or more than five hundred (\$500.00) dollars for each violation.
- (d) This ordinance of the Town of Jonesville, Virginia shall be effective April 15, 1991.
- (e) Amended 8/12/1997: No signs shall be placed on Virginia Department of Transportation/Highways right-of-way or on any utility poles.

Section 7.53 Noise Ordinance (See Section 7.16.1)

**CHAPTER 8**

**MOTOR VEHICLES AND TRAFFIC**

**DIVISION I**

- Section 8.1 Adoption of Motor Vehicle Code of Virginia and Motor Vehicle Violations by Reference
- Section 8.2 Abandoned or Immobile Vehicles
- Section 8.3 License Fees-Motor Vehicles

**DIVISION II**

- Section 8.4 Zones Established
- Section 8.5 Time of Operation
- Section 8.6 Marking Parking Spaces
- Section 8.7 Manner of Parking in Metered Spaces
- Section 8.8 Deposit of Coins
- Section 8.9 Depositing Slugs
- Section 8.10 Injuring, Defacing Meters
- Section 8.11 Violations-Generally-Payment of Fine
- Section 8.12 Special Parking Zones
- Section 8.13 Special Parking Privilege
- Section 8.14 Handicapped Parking-Fines
- Section 8.15 Validity
- Section 8.15.1 Fines (Amended 6/13/89)

**DIVISION III**

- Section 8.16 Inoperative/Abandoned Vehicles

## DIVISION I

Section 8.1                      Adoption of Motor Vehicle Code of Virginia and Motor Vehicle Violations by Reference

- (a) That Title 46.1 of the Code of Virginia, as amended, commonly referred to as the Motor Vehicle Code of the Commonwealth of Virginia, be and the same is hereby adopted by reference, and the same is incorporated and adopted as the ordinances of the town by reference.
- (b) That Title 18.2, Chapter 7, Article 2 of the Code of Virginia, driving a motor vehicle while intoxicated, as amended, be and the same is hereby adopted by reference and the same is incorporated and adopted as the ordinance of this town.
- (c) Adoption of Number 18.2-270 of the Code of Virginia pertaining to the penalty for driving while intoxicated, subsequent to offense, prior conviction. (7/9/85)
- (d) Adoption of Motor Vehicle Code of Virginia and Motor Vehicle Violations by Reference
- (e) Adoption of the following Codes of Virginia: 18.2; 18.46; 4; 16; 8.01.43; n46.2; 4.1; 22.1; and amendments hereto. (6/11/02)

Amendment to Ordinance:

An ordinance adopting the Motor Vehicle Code of Virginia, as amended, and operating a motor vehicle while under the influence of intoxicants or under the influence of the combination of drugs, or any combination of alcohol and other drugs, providing tests therefore and prescribing penalties therefore.

**WHEREAS**, the Statute of Virginia authorizes a municipality to adopt the Motor Vehicle Code of Virginia, as well as operating a motor vehicle while intoxicated, or under the influence of drugs, or a combination thereof by reference and the municipality desires to adopt the same by reference.

**THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:**

That the Municipal Ordinance be, and they are hereby amended by reenacting the same as follows:

Section 1.

That Title 46.2 of the Code of Virginia, as amended by the Acts of the General Assembly, commonly referred to as the Motor Vehicle Code of the Commonwealth of Virginia, including punishment therefore as a misdemeanor, be and the same is hereby adopted by reference, and the Motor Vehicle Code is incorporated and adopted as the Motor Vehicle Code of this Municipality.

Section 2.

That Title 18.2, Chapter 7, Article 2, of the Code of Virginia, as amended, operating a motor vehicle under the influence of intoxicants, or

under the influence of any combination of drugs, authorizing the use of tests to determine the content of a subject's blood if a police officer has reasonable cause to believe that such a person was driving under the influence of any drug or the combination, combined influence of alcohol and other drugs, and modifying the implied consent statute is incorporated and adopted by reference as ordinance of this Municipality.

All ordinances in conflict herewith are repealed effective August, 1991.

This ordinance shall be effective forthwith.

Adopted on the 13<sup>th</sup> day of August, 1991.

## Section 8.2 Abandoned or Immobile Vehicles

### Removal and Disposition of Unattended:

- (a) Whenever any motor vehicle is found on the public streets or public grounds of the Town of Jonesville unattended by the owner or operator and constitutes a hazard to traffic or is parked in such a manner as to be in violation of the law, any such motor vehicle may be removed for safekeeping by or under the direction of a police officer to a storage garage or area. Each removal shall be reported immediately by the police officer in charge of such removal to the office of the Mayor of the Town of Jonesville; and such police officer shall give notice of the removal of said vehicle to the owner of the said vehicle as promptly as possible.
- (b) The owner of such vehicle removed, before obtaining possession thereof shall pay to the Town of Jonesville all reasonable costs incidental to the removal, storage, and locating the owner of the motor vehicle. Should such owner fail or refuse to pay the costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to holder of any liens of record in the office of the Division of Motor Vehicles in Virginia against the motor vehicle, the Mayor may, after holding the motor vehicle for sixty (60) days and after publication of a notice of sale in all newspapers of Lee County for a period of two consecutive weeks, dispose of the same at public sale and the proceeds from the sale shall be forwarded by the Mayor to the Treasurer or similar officer of the Town of Jonesville, provided that, if the value of such motor vehicle be determined by three disinterested dealers or garagemen to be less than fifty (\$50.00) dollars which would be incurred by such advertising and public sale it may be disposed of by private sale or junked. The Treasurer or similar officer receiving such funds shall pay from the proceeds of the sale the cost of removal, storage, investigation as to ownership and liens, and notices of sale, and the balance of such funds shall be held by him for the owner upon satisfactory proof of ownership.
- (c) Any person, whose vehicle is towed in accordance with this ordinance, and who is found guilty of violating a Parking Ordinance of the Town of Jonesville shall be fined in accordance with the said Parking Ordinance in addition to payment of the above stated costs and expenses.

An ordinance fixing the amount of license fees to be paid for the privilege of operating and/or keeping automobiles, trucks, and other motor vehicles in the Town of Jonesville, Lee County, Virginia.

Be it ordained by the Town Council of Jonesville, Virginia, that from and after April 15, 1959, the operating and/or keeping automobiles, trucks, and other motor vehicles in the Town of Jonesville shall be as follows.

- (a) On each automobile, truck, or other motor vehicle, regardless of size or weight, the license fee shall be ten (\$10.00) dollars per year. (4/15/86)
- (b) The license year shall commence on April 15 and cease on April 14 of each year, and the license charges above provided shall be subject to a twenty-five (25%) percent reduction for each quarter. Amended 2/14/89: the cost of sticker will be ten (\$10.00) dollars for the first nine months of sale (April through December) and the twenty-five (25%) percent reduction is abolished.
- (c) Every owner of a motor vehicle who resides in the Town of Jonesville, or has his principal place of business in said town, or any owner who knowingly permits the operation of a motor vehicle in said town for more than thirty (30) days shall obtain a license under this ordinance, and properly display same in accordance with rules established by the Superintendent of Virginia State Police.
- (d) There will be a charge of one (\$1.00) dollar to replace a license sticker regardless of reason original sticker was lost, stolen, misplaced, or destroyed.
- (e) Violation of this ordinance will be punished by a fine of twenty (\$20.00) dollars and court costs in addition to the requirement to purchase the sticker provided for in this ordinance. (1986)
- (f) License stickers for each year commencing April 15 and ending April 14 will go on sale March 15 and sticker must be purchased on or before April 15.
- (g) Amendment to ordinance adopted 11/8/1988: This ordinance requires the payment of all Town of Jonesville personal property taxes before an automobile decal (sticker) can be purchased. This ordinance would require the payment of all delinquent personal property taxes as well as current personal property taxes.
- (h) Amended 2/8/05: License stickers must be purchased on or before October 31<sup>st</sup> of each year.

## **DIVISION II**

### Section 8.4                      Zones Established

The parking meter zone is designated as the business zoned area in the Town of Jonesville.

### Section 8.5                      Time of Operation

The time of operation of the parking meters shall apply to parking only between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays, and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and from 8:00 a.m. to 9:00 p.m. on Saturdays.

### Section 8.6                      Marking Parking Spaces

On streets so designated, the proper officers shall cause parking "spaces" to be marked on the pavements or curbs, or by other appropriate measure, and in such a place so marked, shall erect or cause to be erected a parking meter.

### Section 8.7                      Manner of Parking in Metered Spaces

It shall be unlawful to park any vehicle across any line or marking designating a "parking space" or to park said vehicle in any way that the same shall not be wholly within a "parking space" as designated by said lines or markings.

### Section 8.8                      Deposit of Coins

In order that the police officers may properly compute the time during which a vehicle is parked, the owner or operator of said vehicle shall, upon entering such parking space, during the time of limited parking, immediately deposit a coin, or combination of coins of the United States, in the parking meter situated at the side of said parking space; and operate same according to instructions thereon. Upon deposit of such five cent, ten cent, or twenty-five cent coins and placing meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time. The five cent coin permitting the vehicle to be parked for a period of thirty (30) minutes; ten cent coin for one (1) hour; and twenty-five cent coin for four (4) hours.

Amended 6/13/89 as follows: Meters will receive twenty-five cent coins only for a period of two (2) hours of parking.

Section 8.9 Depositing Slugs

It shall be unlawful to deposit, or cause to be deposited, in any parking meter a slug or substitute for a coin of the United States.

Section 8.10 Injuring, Defacing Meters

It shall be unlawful for any person to deface, tamper with, damage, open, or willfully break, destroy, or impair the usefulness of any parking meter installed under the terms of this ordinance.

Section 8.11 Violations-Generally-Payment of Fine

- (a) A fifty (\$0.50) cent fine, if paid at the Mayor's Office or if deposited in marked boxes on some said meters designated to receive such fine, if paid within twelve (12) hours of receipt of ticket for said violation. Amended 6/13/89 as follows: and must be paid either at the Mayor's Office or mailed into same within forty-eight (48) hours.
- (b) Upon conviction before the proper officials of the General District Court for Lee County, Virginia, be sentenced to a fine of five (\$5.00) dollars and costs of prosecution for each offense.
- (c) Receipt of a citation for parking violation shall be deemed complete upon the posting of the same on the window of the vehicle which is in violation.

Section 8.12 Special Parking Zones

- (a) It shall be unlawful for the owner or operator of any motor vehicle to park in a zone which has been designated and properly marked as a no parking zone. It shall further be unlawful to park any vehicle in a parking space which has been designated by the Town of Jonesville as a parking space for a certain individual, and is marked as the same by a sign designating such parking space.
- (b) Any person, firm, or corporation violating the provisions of this section shall upon conviction in the General District Court of Lee County, Virginia, be sentenced to pay a fine and costs of prosecution for each offense of ten (\$10.00) dollars.

Section 8.13 Special Parking Privilege

- (a) A request in writing and filed with the Secretary of the Town for a special parking privilege.
- (b) The Council sitting in either special or regular session may approve or disapprove.
- (c) A charge of ten (\$10.00) dollars per month will be made for special parking privilege. (12/8/86)

Section 8.14 Handicapped Parking-Fines

The fine for parking in a designated "Handicapped Parking" space, unless authorized, shall be twenty-five (\$25.00) dollars with towing enforced. (12/8/86)

Section 8.15 Validity

If any section, or provision, or part thereof, of this ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole or of any section, provision, or part not adjudged invalid or unconstitutional.

Section 8.15.1 Fines (Amended 6/13/89)

- (1) Fine for overparking on parking meter two (\$2.00) dollars
- (2) Fine for parking overlines two (\$2.00) dollars
- (3) Fine for parking overtime parking in time zone two (\$2.00) dollars
- (4) Fine for no parking on or across walkway or driveway two (\$2.00) dollars
- (5) Fine for double parking five (\$5.00) dollars
- (6) Fine for no town auto license twenty (\$20.00) dollars
- (7) Fine for parking next to a fire hydrant five (\$5.00) dollars
- (8) Fine for parking illegally in a handicapped parking space twenty-five (\$25.00) dollars
- (9) Fine for no parking in a loading zone ten (\$10.00)

The time limit for paying a parking fine is forty-eight (48) hours from the date the ticket is issued.

Parking fines must be either paid at the Mayor's office, mailed in, or dropped in the after hours depository at the Mayor's office.

## **DIVISION III**

### Section 8.16 Inoperative/Abandoned Vehicles

#### General Statement

- (1) This is an ordinance restricting the keeping of inoperative vehicles on any public or private property and governing the disposal of abandoned vehicles.
- (2) Definitions:
  - (a) Motor vehicle-Every vehicle as herein defined which is self-propelled or designed for self-propulsion.
  - (b) Trailer-Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.
  - (c) Semitrailer-Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its weight and that of its own load rests upon or is carried by another vehicle.

#### Scope of Legislation

##### Prohibited Activities

- (a) It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure, on private property any inoperative motor vehicle, trailer, or semitrailer whose condition is such that it is economically impractical to make them operative; provided however, the provisions of this ordinance shall not apply to a licensed business which as of June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.
- (b) It shall also be unlawful whenever any motor vehicle, trailer, or semitrailer is left unattended for more than ten (10) days on any public property or privately owned property other than the property of the owner of such motor vehicle, trailer, or semitrailer, within the town, or is abandoned upon such privately owned property, without the permission of the owner, lessee, or occupant thereof. It shall be presumed that such motor vehicle, trailer, or semitrailer, or part thereof, is abandoned if (1) it lacks either: (a) a current license plate; (b) a

current county, city, or town plate or sticker; or (c) a valid state inspection sticker; and (2) it has been in a specific location for ten (10) days without being moved.

#### Enforcement

- (1) The Town Council has power to require that the owners of private property, at such time or times as the governing body may prescribe, remove therefrom any such inoperative motor vehicles, trailers, or semitrailers that are not kept within a fully enclosed building or structure.
- (2) The Town Council, through its own agents or employees, may remove any inoperative motor vehicle, trailer, or semitrailer after the owner of the premises has failed to do so after a period of ten (10) days has elapsed from the date of notice served by the town.
- (3) Any abandoned motor vehicle, trailer, or semitrailer may be removed for safe keeping, by the town through its own agents or employees, to a storage garage or area; provided that no such vehicle be so removed from privately owned premises without the written request of the owner, lessee, or occupant thereof.
- (4) After holding the motor vehicle, trailer, or semitrailer sixty (60) days, the town may dispose of any abandoned or inoperative such vehicle, which it has removed or been requested to be remove, through public sale after due notice of such sale. If the value of such motor vehicle, trailer, or semitrailer is determined by three (3) disinterested dealers or garagemen to be less than fifty (\$50.00) dollars which would be incurred by such advertising and public sale, it may be disposed by private sale or junked. Such sale or disposal of any such motor vehicle, trailer, or semitrailer may be done only after the owner of such motor vehicle, trailer, or semitrailer has failed or refused to pay the town for the costs of removal and/or storage. The town may also utilize the forementioned disposal procedure if the identity or whereabouts of the owner of such vehicle be unknown or unascertainable after a diligent search has been made and after the notice to him at his last known address and to the holder of any lien of record in the Office of the Division of Motor Vehicles against the motor vehicle, trailer, or semitrailer.

#### Liability for Violators

Any person, firm, or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor.

#### Penalties

- (a) Penalty shall be, upon conviction, a fine of not more than twenty-five (\$25.00) dollars.
- (b) In the event that the town, through its agents or employees, removes any such vehicle, the costs of removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the town as taxes are collected.
- (c) Every cost authorized by this ordinance with which the owner of the premises shall have been assessed shall constitute a lien against the property from

which the vehicle was removed, the lien to continue until actual payments of such costs shall have been made to the town.

## CHAPTER 9

### PERSONNEL POLICIES

Section 9.1	Town Employees-Hiring Of
Section 9.2	Personnel Policies-Administration
Section 9.3	Personnel Policies-Compensation of Employees
Section 9.4	Personnel Policies-Employee Benefits
Section 9.5	Grievance Procedure

#### Section 9.1                      Town Employees-Hiring Of

The Council shall have the exclusive authority to hire such employees for the town as they in their discretion deem advisable including, but not limited to, town police officers, town manager, maintenance employees, secretarial help, and such other employees as may be needed, as directed by the said Council. The Council shall have the authority to regulate salaries to be paid to all town employees; to establish holidays, working hours, work schedules, and employee benefits, and shall have the exclusive authority to discharge any town employee when deemed necessary by the said Council. (5/9/78)

#### Section 9.2                      Personnel Policies-Administration

- (1) Town Council-The Town Council shall be responsible for establishing the personnel policies.
- (2) Mayor-Under the direction of the Town Council, the Mayor shall have the responsibility for administration of the personnel program including the administration of the pay plans.
- (3) General Policy-It is the policy of the Town of Jonesville to fill each position with the best available qualified employee. The Town is an equal opportunity employer. There is no discriminatory practice with respect to race, color, religion, national origin, political affiliation, sex, age, or handicap.
- (4) Probationary Period-All persons on original employment shall be on a probationary basis for a period of six (6) months. There is no appeal provided an employee who is released during the probationary period except where discrimination based on race, color, religion, national origin, political affiliation, sex, age, or handicap is claimed.
- (5) Complaints and Grievances-All complaints and grievances which an employee may have because of an action affecting his status or condition of employment shall be handled in accordance with the Town of Jonesville's Grievance Procedure (Appendix I).

Section 9.3 Personnel Policies-Compensation of Employees

- (1) Policy-The pay of all employees is established by the pay plan for the Class of Position in which they are employed. The Mayor shall be responsible for the development of a uniform and equitable pay plan which shall provide minimum and maximum rates for all positions. In establishing and adjusting the pay plan consideration shall be given too prevailing rates for comparable work in other public employment and private business, the current cost of living, and the Town's financial condition and policy. (Refer to number 2).
- (2) Salary Adjustments-The salary of each employee shall be reviewed annually by the Town Council for the purpose of determining which employees shall receive salary increases. Personnel records, performance, and length of service shall be considered in making recommendations for increases. Based upon findings and the general financial condition of the Town, the Mayor shall recommend individual increases or changes in the pay plan to the Town Council.

Section 9.4 Personnel Policies-Employee Benefits

- (1) Holidays-The following days are authorized as official holidays and offices shall be closed:

New Years Day	January 1
Washington's Birthday	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September

Columbus Day	2 <sup>nd</sup> Monday in October
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day	December 25

Amended on 9/12/89 to include the following:

Lee/Jackson/King Day	3 <sup>rd</sup> Monday in January
Veterans Days	November 11

If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday; or if a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

In addition, any other day so declared by the Town Council, the Governor of the Commonwealth, or the President of the United States shall be a legal holiday.

Town employees who, due to work schedule, are unable to observe any of the above holidays, may be granted compensatory leave at the discretion of the Mayor.

- (2) Vacation Leave-The amount of vacation a regular full time employee receives each year depends on length of service with the Town. After one year of service the employee receives one week of vacation. After the second year and subsequently two weeks are received.
- (3) Sick Leave-Employees earn seven (7) days sick leave annually which may be accumulated up to thirty (30) working days.

Amended 4/14/92 Employees earn twelve (12) days sick leave annually which may be accumulated as follows: five years or less service accumulates thirty (30) working days; over five years of service accumulates forty (40) working days. Sick time will not be paid to employee upon termination of employment.

All employees shall report an absence, under this section, before the start of their shift, or in case of an appointment as soon as it is known, to their immediate supervisor, the Mayor, or staff. Failure to do so shall be an unexcused absence. Sick leave must be reported immediately upon return to work and a doctor's certificate must be furnished if the absence exceeds three working days.

Sick leave may be used when a person is unable to work because of illness or injury or has a doctor's appointment or dentist appointment.

Up to three sick days annually may be used in connection with illness or death in the employee's immediate family. Immediate family shall include: spouse, mother, father, son, daughter, brother, or sister. Absence in excess of this allowance shall be deducted from other leave balances or be regarded as leave without pay, at the discretion of the employee, subject to the approval of the Town Council. Amended 11/88-Upon an employee's leaving his employment; he/she shall be paid for any sick leave balance on his/her leave record. The

amended section of this was repealed on 4/14/92.

- (4) Compensatory Leave-Compensatory leave may be granted to an employee when work is required in addition to the regular work period, if authorized by the Mayor, on a one and one half hour basis or the option of overtime payment. Earned compensatory leave must be taken within twelve (12) months following the date on which the compensatory time was earned. Federal law does not limit the time period during which compensatory leave must be taken.

Upon separation an employee may be paid for unused vacation and may be paid for unused compensatory leave for accrued time earned during the last preceding twelve (12) month period.

- (5) Workers Compensation Leave-An employee incapacitated by injury or illness as defined by the Workers Compensation Act shall be entitled to the leave benefits by that act

#### Section 9.5                      Grievance Procedure

- (1) Purpose-The most effective accomplishment of the work of the Town requires prompt consideration and equitable adjustment of employee grievances. It is the desire of the Town Council that grievances be adjusted informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after a formal appeal and panel review.
- (2) Coverage of Personnel-All permanent Town employees are eligible to file grievances.
- (3) Definition of Grievance-A grievance shall be a complaint or dispute by an employee relating to his or her employment including, but not necessarily limited to, disciplinary actions involving dismissal, demotion, or suspension; concerns regarding the application of policies and regulations; acts of reprisal as a result of utilization of the grievance procedure; and complaints of discrimination on the basis of race, color, creed, or sex.

Complaints are non-grievable when they involve the content of ordinances, statutes, or established policies and regulations; establishment or revision of wages, salaries, position classifications, or general benefits; failure to promote except where the employee can show that established policies are not followed or applied fairly.

- (4) Management Rights-Nothing in this procedure is intended to circumscribe or modify the existing management right of any Town office to the following: (1) direct the work of its employees as well as establish and revise wages, salaries, position classifications, or general benefits; (2) hire, promote, transfer, assign, and retain employees within the agency; (3) maintain the efficiency of governmental operations; (4) relieve employees from duties of

- the agency in emergencies; (5) determine the methods, means, and personnel by which operations are to be carried on.
- (5) Grievability-In the event either the employee or a supervisor has raised a question as to whether a matter is grievable, the determination of grievability shall be made by the Mayor within ten (10) working days. The decision may be appealed by the grievant to the Circuit Court within ten (10) working days. The issue of grievability must be resolved prior to the panel hearing or it shall be deemed to have been waived.
  - (6) Policy-All stages of the grievance beyond the first step shall be in writing on forms supplied by the Mayor's Office. The grievant must supply the nature of the grievance and the remedy expected.

Beyond the first step, the grievant may have a legal counsel or a representative of his/her choice present; management may have legal counsel or a witness of its choice present.

Failure by the grievant to comply with all substantial procedural requirements of the grievance procedure, without just cause, will terminate the right to further appeal. Failure of the respondent to comply to all substantial procedural requirements of the grievance procedure without just cause will, at the option of the grievant, advance the grievance to the next step in the grievance resolution process. Failure of the respondent, without just cause, to comply with all the substantial procedural requirements of the final step of the procedure will result in a decision in favor of the grievant.

- (7) Procedure-Grievances as defined above, shall be processed in the following manner:
  - (a) An employee who has a grievance shall discuss the problem with his immediate supervisor within ten (10) work days after the event giving rise to the grievance or within ten (10) work days following the time when the employee reasonably should have known of its occurrence. The grievance may be presented orally or in writing with the objective of resolving the matter informally. The immediate supervisor shall give the employee an answer within five (5) work days and shall report the result to the Mayor.
  - (b) If a satisfactory solution is not reached at the first step, the grievant may submit the grievance in writing to the Mayor within five (5) work days. The Mayor will investigate the complaint and meet with the grievant within five (5) work days. If the immediate supervisor of an employee is the Mayor, steps one and two are consolidated.
  - (c) If the Mayor's decision does not resolve the grievance, the grievant may request a panel hearing. Such request must be made within five (5) days of the second step reply.
- (8) Hearing Procedure and Decision-A panel shall be chosen which shall be composed of three members of which two are appointed by the Mayor and the third member selected by the other two members. Such panel shall not be composed of any persons having direct involvement with the grievance. If

agreement cannot be reached on the third panel member, the Chief Judge of the Circuit Court serving the jurisdiction shall select such panel member. The panel shall hear the grievance within ten (10) work days of receipt of the case.

The panel shall select its chairman, set the time for the hearing, and notify the grievant and management. The panel may determine its own procedure for conduct of the hearing, provided it shall afford full and equal opportunity to all parties and witnesses for presentation of any material or relevant proofs.

The majority decision of the panel shall be final and binding in all its determinations.

The panel decision shall be filed in writing by the panel chairman with the Mayor within ten (10) working days after the completion of the hearing.

The panel has the responsibility to interpret the application of appropriate policies and procedures in the case. It does not have the prerogative to formulate or to change policies or procedures; nor do they have the authority to consider matters which the grievance procedure makes non-grievable.

The parties to the grievance, by mutual agreement, or the panel chairman may extend any or all of the time periods established in this procedure.

The grievant must bear any cost involved in employing representation or in preparing or presenting his case.

Personnel Policy  
Amended as follows:

**TOWN OF JONESVILLE  
PERSONNEL POLICIES<sup>1</sup>**

**I. PURPOSE**

The objective of these Personnel Policies (“Policies”) is to provide a uniform system of personnel administration for the staff of the Town of Jonesville, based on merit principles, equitable compensation, open competition in hiring and advancement, and equal employment opportunities.

It is the policy of the Town to establish reasonable rules of employment conduct (i.e., guidelines for management and employees to follow) and to ensure compliance with these rules through a program consistent with the best interests of the Town and its employees. THIS MANUAL IS NOT, AND SHALL NOT BE CONSTRUED AS, AN EXPLICIT OR IMPLIED CONTRACT, AND SHALL NOT CREATE ANY DUE PROCESS REQUIREMENT IN EXCESS OF FEDERAL OR STATE CONSTITUTIONAL OR STATUORY REQUIREMENTS. THE TERM AT-WILL MEANS EMPLOYEES CAN TERMINATE OR BE TERMINATED AT WILL. EXCEPTIONS ARE EMPLOYEES HAVING WRITTEN CONTRACTS SIGNED BY THE MANAGER.

Additionally, it is the policy of the Town to strive for safety in all activities and operations, and to carry out the commitment of compliance with health and safety applicable to the Town by enlisting the help of all employees to ensure that public and work areas are free of hazardous conditions.

**II. DEFINITIONS**

Whenever responsibilities fall to the Mayor under these Policies, he/she may designate another to fulfill his/her responsibilities.

- A. **Exempt Employee** – a salaried employee who performs executive, administrative or professional duties as defined under the Fair Labor Standards Act and its regulations. Full-time, part-time, and temporary employees may be exempt.
- B. **Full-time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work a minimum of forty (40) hours a week.
- C. **Part-Time Employee** – an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work an established period of time that is less than forty (40) hours per week.

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<sup>1</sup> The Town reserves the right to modify, amend, or rescind these policies in whole or in part without prior notice. See Section XIII.

- D. **Probationary Employee** – a full-time or part-time employee who has worked for the Town less than six (6) months.
- E. **Temporary Employee** – an individual hired on term basis, e.g., day, week, period of months or on a project basis.
- F. **Manager** – Mayor

### III EQUAL EMPLOYMENT OPPORTUNITY

#### A. Policy Statement

It is the policy of the Town to provide equal opportunity in employment and to administer employment policies without regard to race, color, religion, sex, age, national origin, or disability. This policy applies to every aspect of employment practices including, but not limited to the following:

1. Recruiting, hiring, and promoting in all job classifications without regard to race, color, religion, sex, age, national origin, political affiliation or disability, except where such a factor can be demonstrated as a bona fide occupational qualification.
2. All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
3. Other personnel actions such as compensation, benefits, transfers, layoffs, training, and assignments will be administered without regard to race, color, religion, national origin, sex, age, political affiliation or disability.

#### B. Harassment

The Town is committed to having a diverse workplace with all employees being valued for their individual capabilities and contributions, complying with all federal, state, and local laws on equal employment opportunity, and providing a workplace free from tensions involved in conduct that does not relate to the Town's business. In particular, the hostile atmosphere created by non-work related conduct including ethnic, racial, sexual, or religious remarks, animosity, unwelcome sexual advances, requests for sexual favors, or other similar conduct is not permitted.

Harassment based on race, sex, color, national origin, religion, age, or disability will not be tolerated. Harassment arises from the dynamics of the workplace and can be based on nuances, subtle perceptions, and implicit communications. Conduct that may arise to the level of harassment includes verbal remarks (epithets, derogatory statements, slurs, jokes), physical contact (assaults, physical interference with movement or work, touching), visual displays (displaying of printed or photographic materials, objects), and other actions that are demeaning or hostile.

### **C. Sexual Harassment**

Sexual harassment is unwelcome advances, requests for favors, or other verbal or physical conduct of sexual nature when:

1. Submission to such conduct is either explicitly or implicitly made a term of condition of employment.
2. Submission or rejection of such conduct is used as a basis for employment decisions.
3. The conduct is severe or pervasive enough to create an intimidating, hostile, or offensive work environment.

Examples of sexual harassment are:

1. Physical assaults.
2. Subtle or overt pressures or direct requests for sexual favors.
3. Inappropriate displays of sexually suggestive objects or pictures.
4. A pattern of unwelcome conduct of a sexual nature that would be offensive to a reasonable person such as unnecessary touching, abusive or demeaning language or gestures (including remarks about another's clothing, body, or body movements, or sexual activities), or teasing or joking.

No supervisor or coworker shall intimate either explicitly or implicitly that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment.

### **D. Accommodating Individuals with Disabilities**

The Town provides equal employment opportunities to qualified individuals with disabilities. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when that employee or applicant requests an accommodation. A qualified employee or applicant is one who is able to perform the essential functions of the job with or without accommodation. A request for an accommodation will be denied if the accommodation is not shown to be effective, places an undue burden on the Town, or if the employee poses a direct threat to the health and safety of him or herself or others.

### **E. Violations**

An employee who believes that this policy is being violated should (1) inform the offending person(s) that the conduct is unwelcome and (2) should report it immediately to the Mayor. The report should be made in writing; however, a report will also be accepted by phone or in person.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee(s) bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated the policy will follow.

A non-employee who subjects an employee to harassment in the workplace will be informed of the Town's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

In all cases, the Town will make follow-up inquiries to ensure that the harassment has not resumed.

An employee violating this policy will be subject to disciplinary action, including termination. The employee who brought the complaint will be provided information on the outcome of the investigation.

#### **F. Retaliation**

Retaliation is illegal and contrary to the policy of the Town. Employees who bring complaints of discrimination or who identify potential violations, witnesses interviewed during the investigation, and others who may have opposed discriminatory conduct are protected from retaliatory acts.

If an employee believes that he/she is being retaliated against, a written report should be made to the Mayor. Those who are found to be acting in a retaliatory manner will be disciplined for such conduct.

### **IV. RECRUITMENT AND SELECTION**

#### **A. Open Positions**

All positions shall be open to all individuals who meet the minimum requirements for the position. The recruitment objective is to obtain well-qualified applicants for all vacancies and selection shall be based on the best-qualified person available at the salary offered for the particular position.

First consideration will be given to current employees who desire to fill an open position, if the current employee is qualified for the position and if the placement best serves the needs of the Town. The Mayor may carry out open competition to fill any vacancy.

Employment decisions shall be handled in a manner consistent with the Virginia conflicts of Interest Act.

## **B. Probationary Period**

All new full-time and part-time employees serve a 6 (six) month probationary period. During this period the employee must show that he/she is capable and willing to perform the job satisfactorily. At the end of the probationary period the employee will be evaluated to determine satisfactory performance. If satisfactory performance is attained the employee will be entitled to all the benefits of non-probationary status including utilization of the grievance procedure. In establishing a probationary period, the Town does not abrogate or modify in any way the employment-at-will status that applies to its employment relationship with all employees.

## **C. Hiring Authority**

The Mayor has complete authority for hiring, promoting and discharging employees in accordance with these policies. The Mayor has the responsibility and authorization for administering the personnel system established by these policies.

## **V. EMPLOYEE COMPENSATION**

The total compensation of employees consists of the regular salary and authorized overtime pay for full-time employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay. Part-time and temporary employees may also receive leave in certain circumstances. Leave policies, found in Section VI, should be reviewed.

### **A. Pay and Classifications**

#### **Compensation Plan**

1. The compensation plan for employees of the Town shall consist of:
  - a. A classification system for all classified jobs.
  - b. A pay-grade that sets a salary range for each classified position.
2. The rates of pay each employee within a pay-grade shall be set by the Mayor and Town Council. The normal entrance rate of pay for new employees shall be at the lower end of the pay-grade for the position.
3. The compensation plan may be amended by (motion of the Town Council) OR (by the Mayor within the limits of appropriations by the Council).

### **B. Hours of Work**

1. The Mayor shall establish the hours of work for all Town employees. The standard scheduled work-week for which salary is paid consists of forty (40) hours, generally Monday through Friday. This does not preclude the establishment of specified schedules other than forty (40) hours in a given work-week for other employees if approved by the Mayor.
2. Employees shall have two (2) fifteen (15) minute rest breaks per day, which are included with the total required hours of work. These breaks may be used in conjunction with a thirty (30) minute meal break, as long as the sum does not exceed sixty (60) minutes per workday. Such breaks may not accumulate from one shift or one day to another. Flexible work scheduling may be used for the purpose of extending a meal break with the employee's start time being advanced or end time being extended as approved by his supervisor. Certain employees as approved by the Mayor have their meal break(s) included as a part of their regularly scheduled workday.
3. Flexible work scheduling may be considered within the standard workweek, Monday through Friday, so long as the standard hours in a workweek, normally forty (40), are not altered.

Some examples are:

- a. Arrive earlier in the morning and leave earlier in the afternoon.
- b. Arrive later in the morning and leave later in the afternoon.
- c. Work four (4) ten (10) hour days.
- d. Work four (4) nine (9) hour days and one (1) four (4) hour day.
- e. Work some other similar permanent or seasonal scheduling option(s).
- f. Add time to meal break and arrive earlier and leave later.

Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times to allow employees to have medical appointments or take care of personal business during work hours without being charged leave. If flexible work scheduling or compressed workweeks are instituted on an ongoing basis, the agency head may approve such only after consultation with Mayor.

4. If an employee is unable to report for work or expects to be late, the employee must contact his/her supervisor as soon as possible but no later than the beginning of his/her scheduled work period, giving the reason for his/her absence or tardiness. Paid leave may or may not be approved. If an employee has

difficulty reaching his/her supervisor, he/she should leave a message reporting his/her absence but continue to attempt to contact with his/her supervisor. The responsibility to notify a supervisor(s) about absences or about tardiness always rests with the employee.

5. Hours of work, schedules, and duty assignment of short duration of individual employees or work units may be altered under authorization of the department head or his designee within the established workweek and schedule of the agency as conditions warrant. Schedules may also be adjusted to meet FMLA and ADA requirements.

**C. Performance Increases**

The Town promotes excellence in its workforce. Salary increases within budget constraints may be given to that end. Each employee's performance will be reviewed annually in April and based on satisfactory performance and contributions to the organization, pay increases may be given. In exceptional circumstances an employee's pay may be increased in less than a year for meritorious service or enhanced responsibilities. Pay increases are not automatic or guaranteed.

**D. Overtime**

Employees who are not exempt under the Fair Labor Standards Act will be paid at the rate of time and a half for all hours actually worked in excess of forty (40) hours a work week. Unless authorized to do so, employees should not work over forty (40) hours during a workweek.

Exempt employees who are required to work beyond normal hours or on weekends and holidays may be given compensatory time off at the discretion of the manager.

**E. Retirement**

The Town participates in the Virginia Retirement System for all employees eligible for retirement benefits pursuant to the rules and policies of VRS.

**VI. HOLIDAYS AND LEAVE**

**A. Holidays**

The following holidays are observed the Town. Full-time and part-time salaried employees shall be granted time off for these days without charging the time against leave balances:

New Years Day	January 1 <sup>st</sup>
Lee-Jackson Day	Friday preceding 3 <sup>rd</sup> Monday in January

Martin Luther King, Jr.	3 <sup>rd</sup> Monday in January
President's Birthday	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veterans Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	4 <sup>th</sup> Friday in November
December 24 <sup>2</sup>	December 24 <sup>th</sup> (1/2 day)
Christmas Day	December 25 <sup>th</sup>

When an employee is required to work on one of these holidays, compensatory time off will be given on an hour for hour basis for the hours worked on the holiday. Holidays falling on Saturday or Sunday shall be taken on the Friday or the Monday respectively as announced by the Town.

**B. Leave**

**1. Annual Leave**

Full-time employees will accrue paid annual leave for personal purposes at the following rates and shall be used on an hour for hour basis.

0 – 1 year	1 week vacation
2 years	2 weeks vacation
10 years	3 weeks vacation

Annual leave shall be approved in advance by the Mayor or department head. Leave is not eligible at all times: the Mayor and department heads have a primary obligation to insure that the Town's service to the citizens is carried out.

Each employee may accumulate a maximum of 120 hours of annual leave. Annual leave above that amount shall expire and may not be accumulated or used.

Upon separation, an employee shall be entitled to payment for all [unexpired] credited annual leave based on the employee's current rate of pay at time of

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<sup>2</sup> One-half day.

separation. In the event of the death of an employee, the employee's estate shall be entitled to payment for any unused balance of annual leave allowances at the time of death. Probationary employees are not entitled to payment of any unused holiday leave.

## **2. Sick Leave**

Sick leave shall accrue at the rate of eight (8) hours per month, and when taken, shall be used on an hour to hour basis. Sick leave shall be used for:

- a. FMLA leave, pursuant to section D.1.
- b. Illness or injury incapacitating the employee and preventing the employee from performing assigned duties, doctor or dental appointments during working hours. Personal sick leave is charged on an hour to hour basis for all employees and is not considered an entitlement.
- c. Medically-necessary care of immediate family members.

An employee away from work for medical conditions which require absence in excess of one week or for FMLA purposes is required to (1) submit to the department head a written statement from the attending physician or health care provider, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform the essential functions of his/her job with or without reasonable accommodations, and simultaneously (2) apply for leave under the Family and Medical Leave Act. The department head or Mayor has the prerogative of requiring a physician's or health care provider's letter with the above content prior to an absence of one week if in his/her judgment this information is necessary. Medical information and the personnel needs of the Town will be considered in determining the holding of the employee's position or placement in another position for which the employee qualifies. All medical information will be kept confidential and will be made part of a file separate from the employee's personnel file.

Exceptions to this policy may be considered on a case-by-case basis and approved by the Mayor. Sick leave is charged on an hour-for-hour basis for all employees and is not considered entitlement.

## **3. Military Leave**

An employee who is a member of a reserve force of the United States or of the Commonwealth of Virginia and who is ordered by the appropriate authorities to attend a training program or who is called into emergency active duty for the purpose of aiding civil authority under the supervision of the United States or the Commonwealth of Virginia shall be granted a leave of absence with full pay during the period of such activity, not to exceed fifteen (15) consecutive calendar days for training duty and five

(5) working days for emergency active duty. (OPTIONAL) (The Town may, by motion of council, pay any such employee the difference between his/her salary and the pay received for the military duty.)

#### **4. Leave Without Pay**

An employee who leaves the employ of the Town to join the military forces of the United States during the time of war or other declared national emergency or who is called to service in the Virginia Militia by order of the Governor shall be placed on military leave without pay commencing on the first business day following the last day of active employment with the Town. The employee on such leave is entitled to be restored to the position he/she vacated, provided the employee makes application to the Town not later than ninety (90) days after the date of honorable discharge or separation under honorable conditions. Job restoration is further conditioned on the position still existing and the employee being physically and mentally capable of performing the work of the vacated position. This section does not override Section VI B.3.

#### **5. Civil Leave**

An employee will be given time off without charge to leave or loss of pay for (a) performing jury duty, when subpoenaed as a witness to appear before a court, public body, or commission, (b) serving as a blood donor, or (c) performing emergency civilian duties in connection with national defense or for the purpose of voting in a national, state, or local election. The period of such leave shall be only necessary for the performance of the activity, plus any necessary travel time.

#### **C. Workers' Compensation Leave**

When an employee is unable to report to work because of incapacity that is the result of a compensable injury under the Virginia Worker's Compensation Act, the employee will receive for the first seven (7) days of absence full salary minus normal payroll deductions. The first seven (7) days of Workers' Compensation leave will not be charged against the employee's consolidated leave balance.

If the absence is longer than seven (7) days, the employee will receive for the period of absence the full compensation that is provided under Workers' Compensation Act. If the period of incapacity extends beyond twenty-one (21) calendar days, the employee will be required to reimburse the Town the amount of compensation awarded to the employee for the employee's first seven (7) days of absence. This is an obligation owed to the Town and one which, if not reimbursed promptly, will be deducted from future monies (wages, terminal leave pay, etc.) owed to the employee by the Town.

#### **D. Leave without Pay**

The following are the situations for which an employee may be on leave without pay status.

**1. Family & Medical leave**

Employees are entitled to participate in the benefits of the Family and Medical Leave Act (“FMLA”). FMLA leave is unpaid leave. The Town requires an employee to use accrued paid leave on an hour for hour basis in conjunction with FMLA leave.

**2. Eligible Employees**

To be covered under the FMLA, an employee must have worked for the Town for twelve (12) months and must have worked at least 1,250 hours within the twelve (12) months preceding the start of the leave. Part-time and temporary employees who meet these requirements are eligible for FMLA leave.

**3. Purposes for Which FMLA Leave May Be Taken**

FMLA leave may be used:

- a. To care for an employee’s child after birth, or for the placement with an employee of a child for adoption or foster care (provided that the leave is requested and used within twelve (12) months of the birth, placement, adoption, or foster care).
- b. To care for an employee’s spouse, child, or parent (does not include in-laws) who has a serious health condition.
- c. When the employee is unable to work because of a serious health condition.

A serious health condition is an illness, injury, impairment or physical mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or an incapacity lasting more than three consecutive days and involving continuing treatment by a health care provider. Continuing treatment involves two (2) or more treatments (or one treatment when the condition is such that continuing follow-up is or will be required) by a healthcare provider, pregnancy, prenatal care, or other chronic or long-term serious health conditions.

To qualify for leave due to the serious health condition of a family member, the family member must be incapable of self-care. To qualify for leave due to the serious health condition of the employee, the employee must be unable to work at all or unable to perform any of the essential functions of the employee’s position.

Employees are required to obtain a health care provider certification for all absences for which FMLA leave is being requested. A chronic or long-term health condition or pregnancy does not require a visit to the health care provider for each absence; however, a statement by the health care provider that the absence was due to the chronic condition or pregnancy may be requested by the Town at its discretion.

#### **4. FMLA Benefits**

##### **a. Leave**

An eligible employee is entitled to twelve (12) weeks of unpaid leave during a twelve-month period. The twelve-month period begins on January 1, and terminates on December 31 of each year. Employees will be required to use accumulated paid leave (sick, compensatory, annual, etc.) on an hour for hour basis concurrent with the FMLA leave. If FMLA leave is exhausted before the end of the twelve-month period, the employee will not be entitled to further FMLA leave during this period.

An employee is required to request FMLA leave in writing at least thirty (30) days before the leave is to commence if the need for the leave is foreseeable. In circumstances when the leave is not foreseeable thirty (30) days in advance, an employee must request the leave as soon as practicable. The Town may designate leave as FMLA leave without a request from an employee.

FMLA leave taken for a serious health condition of the employee or family member may be taken intermittently or on a reduced hour's basis.

FMLA leave taken for birth, adoption, placement, or foster care cannot be taken intermittently unless approved in advance. If both spouses work for the Town, the total FMLA leave that may be taken for this event by both employees is twelve (12) weeks, pro-rated between as the spouses choose. FMLA leave taken for the birth, adoption, placement, or foster care of a child must be taken within the twelve (12) months following the event.

Should the Town obtain information that the employee was not FMLA eligible or the event did not qualify under FMLA, the designation of FMLA leave previously given may be withdrawn.

##### **b. Job Restoration**

Upon return from FMLA leave, an employee is entitled to be restored to the same position that was held before the start of the FMLA leave, or to an equivalent position with equivalent benefits, pay, or other terms and conditions of employment. If an employee is unable to return to work after the FMLA leave

benefits have been exhausted, the employee will not have a right to return to his or her position even if there are unused accrued leave balances.

Key employees are entitled to FMLA leave but are not entitled to job restoration if re-employment after the conclusion of the leave will cause a substantial and grievous economic injury to the Town. A key employee is a salaried employee who is among the highest paid ten percent (10%) of the Town's workforce. A key employee will be notified in writing of his/her status in response to the employee's notice of intent to take FMLA leave, unless circumstances do not permit such notice. If a key employee is already on FMLA leave when he/she is a key employee, the employee will be given a reasonable time to return to work before losing the right to job restoration.

**c. Health Benefits**

If paid leave is used for FMLA purposes, an employee will maintain the same benefits as if working. If the employee is on leave without pay, continuation in the health care plan is permitted, provided that the employee continues to pay for his/her share of the premiums. If the employee fails to make his/her premium payments, the employee will be provided written notice of his failure and will be given an additional fifteen (15) days to make payment in full. If payment is not made after this notice, health benefit coverage will cease.

If an employee does not return to work after the conclusion of the FMLA leave, the employee is responsible for reimbursing the Town for the Town's share of the health care premiums paid.

**5. Extended Leave without Pay**

When special circumstances require an extended leave, the Mayor has the authority to grant an employee leave without pay provided that the operations of the Town program(s) will not be adversely affected.

**6. Disciplinary Leave Without Pay**

An employee who is absent from work without prior approval shall receive no pay for the duration of the absence and may be subject to disciplinary action which may include dismissal. If extenuating circumstances exist for the unauthorized absence, due consideration will be given.

**VII. EMPLOYMENT DEVELOPMENT**

It is the policy of the Town to encourage employees to obtain training designed to develop the employee's value to the organization. Leave with partial pay or leave without pay may be available under the Education Leave provisions.

The cost of training and related expenses undertaken at the direction of the Mayor or the Administrator of Insurance Programs shall be paid in full by the Town. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the Mayor and (2) the employee shows successful completion of the course.

### **Education Leave – For pursuit of courses of study**

It is the policy of the Town to encourage employees to obtain training designed to develop the employee's value to the organization. Leave with partial pay or leave without pay may be available.

Education leave is discretionary and is normally taken with partial pay or without pay. When an employee can demonstrate that the pursuit of the educational program will have an immediate and discernable benefit to the Town, leave with full pay may be granted by the Mayor. The conditions of such leave shall be subject to a case by case determination based on factors which include the nature of the education or training, length of the absence, work record of the employee, work requirements at the time of the request, and value of the education or training to Town.

The cost of training and related expenses undertaken at the direction of the Mayor may be paid in full by the Town. In such case, the hours of training count as hours worked. For training requested by an employee, the employee may receive reimbursement of tuition costs if (1) the training was approved in advance by the Mayor and (2) the employee shows successful completion of the course. If the training was not required by the Town, the hours do not count as hours worked.

## **VIII. PERFORMANCE APPRAISALS**

The work of each employee will be evaluated at least annually by the immediate supervisor. The supervisor will meet with the employee to discuss the year's performance. A written report of the appraisal will be prepared with a copy provided to the employee being appraised and a copy for the personnel files. If the employee believes that the report is unfair, he/she may prepare comments to be attached to the supervisor's appraisal report.

## **IX. HEALTH AND SAFETY**

### **A. Worker's Compensation**

Worker's Compensation provided benefits for an employee in the event of certain occupational illnesses, injuries, or deaths. Any job related accident or workplace injury, no matter how insignificant, must be reported to the supervisor as soon as possible, but within 24 hours.

The Town may select a panel of physicians to whom employees must go for all work-related injuries. Supervisors are to inform employees of the physicians included in the panel. In the event an injury requires immediate medical attention, the employee may go directly to the nearest hospital emergency room; follow-up care must be with the panel of physicians. If the Town selects a panel, all employees will be notified.

## **B. Occupational Safety and Health**

The Town attempts to provide a safe and healthy working environment for all employees by providing the necessary safety education and training. Employees shall follow all prescribed safety procedures when performing their daily activities and shall further exercise all reasonable and prudent judgment to ensure safety.

Each supervisor has the responsibility for ensuring that the various work centers are free from any recognized hazards that might lead to death or injury. Further, it is the responsibility of each employee to perform all work in a safe manner. All hazards, deaths, injuries, and illnesses that occur on Town property must be reported to the Mayor within the same day of the discovery or occurrence.

Employees are directed to utilize all applicable safety procedures and to perform all work in a safe manner. Employees are responsible for bringing to their supervisor's attention any potential hazards that might exist within their workstation. Supervisors are responsible for developing and maintaining work safety rules and for providing these rules in writing to their subordinates.

Specifically, employees shall:

1. Report all injuries, regardless of severity, to the supervisor immediately. If the supervisor is not available, the injury must be reported to the Mayor before medical treatment is sought;
2. Report and, if possible, correct all unsafe conditions or acts;
3. Avoid horseplay and mischief, which could cause injury;
4. Take all standard safety precautions to prevent injury;
5. Follow all safety rules.

## **X. ELECTRONIC COMMUNICATIONS**

- A. Internet

The Town may provide electronic, digital and wire communications equipment for business purposes. The use of this equipment should not be for personal use, **it is strictly prohibited**. Messages received, sent, and stored on this equipment will be subject to monitoring from time to time and in the course of this monitoring may be read for content. Employees should be aware that there are stored records of all communications. There should be no expectation of privacy in any communications received, sent, or stored on equipment or service provided by the Town.

The Town may provide unlimited access to the Internet and the World Wide Web to its employees as one of the many resources available to assist them in doing their jobs better and more efficiently. Therefore, the Town may establish an Internet account that may be accessed by employees.

Employees may be provided with passwords and e-mail addresses to enable them to use the account; these addresses and passwords are not provided to make employees' usage confidential or private. E-mail records are business records of the Town. The usage of the Internet is subject to the same code of conduct which applies to all other actions in the workplace and using the Town's Internet account in a manner that violates any rules or regulations constitutes grounds for disciplinary action, up to and including discharge. The electronic use, transmission and storage of messages, files, images and sounds are subject to monitoring by the Town.

Employees must not share their passwords with any other individuals, including other employees or outsiders. Nor is it appropriate to attempt to subvert network security either by accessing the Internet without using your password or by seeking to discover other passwords to gain access. Employees are representatives of the Town when using the Town's Internet account. Accordingly, they are expected to act and to communicate professionally on the Internet, not to engage in any commercial or illegal activities, or to use the account for personal business.

The Town will have access to a log of all usage, including a list of employees who have used the Internet and the sites they visited. The Town will monitor this usage from time to time, and employees found to be abusing usage or using the Internet inappropriately will be subject to disciplinary action.

#### **B. Consent to Monitoring**

Employees will be required to consent to the monitoring of communications sent, received and stored on equipment provided by the Town or an electronic, wire, or digital services provided by the Town is a requirement for employment by the Town.

## **XI. ALCOHOL AND DRUG FREE WORKPLACE**

A. Employee Responsibilities:

B.

1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
2. Any employee convicted under federal or state statute regulating controlled substances shall notify their supervisor or the Mayor within five (5) days after the conviction.
3. No employee shall consume alcoholic beverages immediately work, during work hours, or while at work during breaks or lunches.
4. No employee shall be impaired by alcoholic beverages immediately before work, during work hours, or while at work during breaks or lunches.
5. No employee shall represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.
6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the Town.
7. If an employee is using prescription or non-prescription medication that may impair performance of duties; the employee shall report that fact to his/her supervisor.
8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the supervisor or Mayor.

**DISCIPLINARY ACTION:**

Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or non-prescribed use of medication, appropriate employee disciplinary action will be taken, up to and including termination.

C. **Drug & Alcohol Testing**

In order to achieve a drug-free workplace, employees in, and applicants for, safety sensitive positions shall be required to participate in all of the following alcohol and controlled substances testing:

1. When an applicant for a safety-sensitive position has been extended a conditional offer of employment but before beginning work.
2. When there is a reasonable suspicion to believe that the employee is in an

impaired state.

3. When the employee has been involved in an on duty serious accident or has endangered others in the workplace.
4. On a random basis for safety-sensitive positions.
5. As a condition for return to duty after testing positive for controlled substances or alcohol.
6. As part of follow-up procedures to return-to-duty related drug or alcohol violations.

**Scope:** This policy covers all employees of and applicants of the Town.

## **XII. POLITICAL ACTIVITY**

- A. An employee shall not be coerced to support a political activity, whether funds or time are involved.
- B. An employee shall not engage in political activity on work premises during work hours.
- C. An employee shall not use Town-owned equipment, supplies or resources, and other attendant material (diskettes, paper, computer online or access charges, etc.) when engaged in political activities.
- D. An employee shall not use, discriminate in favor of or against, any person or applicant for employment based on political activities.
- E. An employee shall not use the employee's title or position while engaging in political activity.

Amended 1/14/04 to read as follows: No employee of the Town of Jonesville can hold public office (Council or Mayor) and be employed by the Town. An employee can run for elected office while employed by the Town but must resign one or the other if elected.

## **XIII. SMOKING – TOWN – OWNED AND CONTROLLED BUILDINGS AND WORKPLACES**

The Mayor may develop and implement policies and procedures governing smoking in parts of Town-owned and controlled buildings or work areas not open to the general public in the normal course of business, except by invitation. The Mayor shall enforce these policies and procedures through administrative methods. Any total ban on smoking in the workplace shall only be enforced by the Town upon an affirmative vote of

a majority of the affected employees voting.

**State law reference(s) - §§ 15.2-2801, 15.2-2802**

#### **XIV. DISCIPLINE AND GRIEVANCES**

Town employees are expected to conduct themselves in a professional and courteous manner, as representatives of the Town. Employees are expected to avoid any action, which might result in giving preferential treatment to any organization or person, losing independence or impartiality of action, or adversely affecting the integrity of the Town.

##### **A. Disciplinary Actions**

If an employee's work performance or behavior is deemed unsatisfactory, the following kinds of disciplinary action may be taken, depending upon the circumstances: oral admonishment, written reprimand, suspension, demotion, or dismissal. Other types of discipline may be used in addition to those listed.

The following are examples of misconduct that may result in discipline. The list is not inclusive and other misconduct may be subject to disciplinary action:

1. Conviction of a felony or of a misdemeanor involving moral turpitude and other criminal acts that continued performance of duties is compromised.
2. Willfully falsifying Town records (including time cards, leave records, job applications, or pay or reimbursement vouchers).
3. Gross negligence with Town property or misuse of Town property.
4. Violating any workplace rule.
5. Performing official duties in a rude and discourteous manner, threatening co-workers, or using physical violence while on duty.
6. Violating any lawful official regulation or order or willfully failing to obey a proper direction of the supervisor or the Mayor.
7. Using or being impaired at work by intoxicants, drugs, or alcohol.
8. Grossly neglecting duty or continually being unable or unwilling to render satisfactory performance.
9. Taking property of the Town for ones personal use, for sale to another or for a gift to another.
10. Inducing, or attempting to induce, an officer or employee in the service of the

Town to commit an unlawful act or to act in violation of any lawful or official regulation or order.

11. Accepting a bribe, gift, token, money, or other thing of value intended as an inducement to perform or refrain from performing any official acts, or engages in any action of extortion or other means of obtaining money or other things of value through his/her position in the Town.
12. Failing to report for work or being absent without prior notice to supervisor.
13. Unsatisfactory attendance, excessive absences, or excessive tardiness.
14. Harassing other employees or the public.
15. Violating the Town's drug free workplace rules.

**B. Notification**

Prior to imposing disciplinary action, including termination, the supervisor shall inform the employee of the reason for the discipline and the employer shall have the right to comment on the discipline. However, the supervisor may have the employee removed from the workplace prior to giving an opportunity to comment if the employee's continued presence poses a safety danger or is disruptive to the workplace.

**C. Grievance**

The Town grievance procedure is available for employees of the Town, except as noted in the procedure.

**XV. TERMINATION OF EMPLOYMENT**

**A. Resignation**

To resign in good standing, an employee must give at least two weeks advance notice. If special circumstances exist, the notice requirement may be waived by the Mayor. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave. Failure to return to work at the expiration of an approved leave of absence shall be interpreted as a resignation.

**B. Lay-off**

The Town reserves the right to dismiss employees for lack of available work or funds. In such cases the employees affected will be given a minimum of two weeks advance notice.

### **C. Termination for Inability to Perform**

An employee may be terminated if he/she becomes physically or mentally unable to perform duties of the position. However, any such action shall be taken in a manner that complies with the requirements of the American's with Disabilities Act.

## **XVI. MODIFICATION OF POLICIES**

These policies do not constitute a contract of employment. The policies as a whole, or individually by section, may be modified, amended, or rescinded at the sole discretion of the Town without notice.

## **APPENDIX A**

### **GRIEVANCE PROCEDURE**

The purpose of this procedure is to provide a prompt, fair, and orderly method for the resolution of employee grievances initiated by eligible employees of the Town of Jonesville.

#### **I. Definition of Grievance**

A. A grievance is a complaint or dispute by an employee relating to his/her employment, including but not necessarily limited to:

1. Disciplinary actions, including disciplinary demotions, suspensions, and dismissals provided that such dismissals result from formal discipline or unsatisfactory job performance.
2. The application of personnel policies, procedures, rules, and regulations, and the application of ordinances and statutes.
3. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or the Commonwealth of Virginia, has reported any violation of such law to a governmental authority, has sought any change in law before the United States Congress or the General Assembly of Virginia, or has reported an incident of fraud, abuse, or gross mismanagement.
4. Discrimination of the basis of race, color, creed, religion, political affiliation, age, disability, national origin, or sex.

B. Management Rights and Prerogatives

The Town reserves to itself the exclusive right to manage the affairs and operations of the Town government. Accordingly, complaints involving the following management rights and prerogatives are not grievable:

1. Establishment and revision of wages and salaries, position classification, or general benefits.
2. Work activity accepted by the employees as a condition of employment, or work activity which may reasonably be expected to be part of the job content.
3. The contents of ordinances, statutes, or established personnel policies, procedures, rules, and regulations.
4. The methods, means, and personnel by which work activities are to be carried on, including but not necessarily limited to:
  - a. The provision of equipment, tools, and facilities necessary to accomplish tasks.
  - b. The scheduling and distributions of manpower/personnel resources.
  - c. Training and career development.
5. The hiring, promotion, transfer, assignment, and retention of employees in positions within the Town's service.
6. Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly.
7. The relief of employees from duties, or taking action as may be necessary to carry out the duties, of the Town in emergencies.
8. Direction and evaluation of the work of Town employees.
9. Termination, layoff, demotion, or suspension from duties because of lack of work, reduction in force, or job abolition, except where such action affects an employee who has been reinstated within the previous six (6) months as the result of the final determination of a grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the Town that:
  - a. There was a valid business reason for the action, and

- b. The employee was notified of the reason in writing prior to the effective date of the action.

## II. Coverage of Personnel

A. Except as noted below, all non-probationary full-time and part-time employees are eligible to file grievances under this procedure. The following are the exceptions:

1. Key officials of the Town. For purposes of this procedure, a key official is defined as the head of any separate Town department.
2. Members of boards and commissions.
3. Employees whose terms of employment are limited by law.
4. Officials and employees who serve at the will or pleasure of an appointing authority.
5. Appointees of elected individuals or elected groups.
6. Probationary employees in matters concerning their dismissal. Probationary employees may, however, use this procedure for complaints or disputes other than dismissals that are determined to be grievable.
7. Temporary, limited term, and seasonal employees.
8. Law enforcement officers as defined in Chapter 10.1 (§2.1-116.1, et seq.) of Title 2.1 of the Code of Virginia whose grievance is subject to provisions of Chapter 10.1 and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his/her grievance.

B. The Mayor shall determine the officers and employees (by position) excluded from this grievance procedure and shall maintain a list of such excluded positions.

## III. Operations of the Grievance Procedure

A. Step 1. An employee who believes he/she has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his/her immediate supervisor within twenty (20) calendar days of the occurrence of the incident giving rise to the grievance or within twenty (20) calendar days following the time when the employee reasonably should have gained knowledge of its occurrence. A response to the grievance shall be communicated, either orally or in writing, to the grievant within ten (10) calendar days.

**Note:** If the complaint is alleging discrimination or retaliation by the immediate supervisor the grievance may be presented at Step 1 to the department head or, if there is no department head above the immediate supervisor to the Mayor. If Step 1 is with the Mayor, Step 2 is omitted and the written grievance is presented to the Mayor. The grievance proceeds immediately to Step 3.

- B. Step 2. If the grievant is not satisfied with and does accept the Step 1 response, or if a response is not provided within the required time frame, the grievant may proceed by putting the grievance in writing on the Grievance Form which is attached to this procedure. The Grievance Form shall be delivered, by mail or in person, to the department head within ten (10) calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. If the immediate supervisor is the department head, the written grievance should be presented to the Mayor and it will proceed as if it were at Step 3.

The grievant shall specify the relief that he/she expects to gain through the use of this procedure. The department head shall promptly meet with the grievant. Normally the only persons who may be present at the meeting or hearing shall be the agency head, the grievant, and the appropriate witnesses. The department head shall render a written response to the grievance within ten (10) calendar days following receipt of the completed request form with a copy of the response being sent to the Mayor. By mutual consent of the grievant and the department head or the grievant may skip Step 2 and proceed directly to Step 3.

- C. Step 3. If the grievant does not accept the response at Step 2, or if the department head fails to respond within the required time frame, the grievant shall indicate his desire to advance the grievance to Step 3 on the Grievance Form. The Grievance Form shall be delivered by mail or in person, directly to the Mayor within ten (10) calendar days following receipt of the Step 2 response or immediately after the deadline for that response, whichever occurs first. If the Mayor determines (or has previously determined) that the complaint is grievable, a meeting with the grievant, the grievant's representative if there is one, a representative of the affected department or the Mayor will be held within five (5) days. Appropriate witnesses for each side and such other persons as the Mayor or the grievant may want to call, may be present to offer testimony only. The Mayor shall render a written response to the grievance within ten (10) calendar days following receipt of the completed request form.

In the event that the Mayor determines that the complaint, or a portion of the complaint, is not grievable, the grievant may appeal that decision to the Circuit Court as set out in Section IV (B) of this procedure.

- D. Step 4. If the grievant does not accept the Step 3 written response, or if the Mayor fails to respond within the required time frame, and the grievant wishes to advance to a grievance panel hearing, the grievant shall complete Step 4 of the Grievance Form.

The Grievance Form shall be delivered, by mail or in person, directly to the Mayor within ten (10) calendar days following receipt of the Step 3 response or the deadline for that response, whichever occurs first. The Grievance Form shall contain the name of the person whom the grievant desires to serve on the grievance panel. The grievant shall not name a person to serve on the grievance panel unless and until the grievant has received that person's consent to do so. The grievance shall be heard by an impartial grievance panel as set out in Section VI of this procedure.

IV. Grievability and Access

- A. Grievability and access are determined by the Mayor generally after the grievance reaches Step 3. Only after the Mayor has determined that a complaint is grievable and/or the grievant has access to the procedure may a grievance be advanced through Steps 3 and 4. Should the question of grievability or access arise at Step 2 the grievant or the department head may request a ruling on grievability and/or on access by the Mayor. The Mayor shall render a decision within ten (10) calendar days of receipt of the ruling request and shall send a copy of the decision to the grievant and the department head.
- B. The Mayor's decision on grievability and/or access may be appealed to the Circuit Court of the County. Such appeals shall be instituted by the grievant by filing a notice of appeal with the Mayor within ten (10) calendar days after the filing of the notice appeal, the Mayor or his designee shall transmit to the Clerk of the Circuit Court a copy of the Mayor's decision on grievability or access to the procedure, a copy of the notice of appeal, a copy of the grievance record, and copies of all exhibits. A list of the evidence furnished to the Court shall also be furnished to the grievant. The appeal will be heard by the Court as provided by law. The decision of the Court is final and is not appeal-able.

V. General Terms

Except as otherwise noted, the following rules apply to all levels of grievance hearings.

- A. Time intervals specified in Steps 1 through 4 may be extended by mutual consent of the parties.
- B. When a deadline falls on a Saturday, Sunday, or Town holiday, the next calendar day that is not a Saturday, Sunday, or Town holiday shall be considered the last calendar day.
- C. All grievance meetings and hearings shall be held during normal Town working hours unless both the grievant and the Mayor should mutually agree otherwise.
- D. Town employees who are necessary participants at grievance hearings shall not

lose pay for time necessarily lost from their jobs and will not be charged leave because of their attendance at the grievance proceedings.

- E. At the Step 3 meeting, the grievant, at his/her option, may have presented a representative of his choice. If the grievant is presented by legal counsel, the Town likewise has the option of being represented by counsel.
- F. The use of recording devices or a court reporter is not permitted at Step 1, 2, and 3 meetings. Only Step 4 hearings may be recorded.
- G. Hearings are not intended to be conducted like proceedings in court and the rules of evidence do not necessarily apply.
- H. At Step 4, the grievance panel shall have the discretion to limit the attendance at the hearing of persons not having a direct interest in the hearing.
- I. At the request of either party, Step 4 hearings shall be private.
- J. Except in grievances involving discipline or in cases where the grievance panel determines otherwise, the grievant shall present his evidence first.
- K. The grievance panel shall determine the propriety of and the weight to be given the evidence submitted.
- L. Both the grievant and the Town may call appropriate witnesses. All witnesses, including the grievant, shall be subject to examination and cross-examination.
- M. Witnesses shall be present only while actually giving testimony and shall otherwise be excluded from the room.
- N. The grievant shall not be entitled to financially recover more than that which he/she lost; the grievant's costs are not to be assessed against the Town.
- O. Where a grievant has obtained partial relief at one level of this grievance procedure but decides to appeal to the next higher level, the filing of a request form to the next higher level shall constitute rejection of, and relinquishment of any claim to, any and all relief granted at the previous level.
- P. Each party shall bear the costs and expenses, if any, of his/her legal counsel or representative.

## VI. Rules Concerning Grievance Panels and Panel Hearings

### A. Selection of Grievance Panel.

1. Within five (5) calendar days of receipt of the Step 4 request form, the Mayor

shall appoint a member to serve on a grievance panel. The member selected by the grievant and the member selected by the Mayor shall then select a third member.

2. If the panel member appointed by the grievant and the panel member appointed by the Mayor or his designee cannot agree upon a third panel member within twenty (20) calendar days of the Town's receipt of the selection of the first two (2) panel members, then the chief judge of the Circuit Court shall choose an impartial, third panel member. The third panel member shall act as chair of the panel.

#### B. Eligibility to Serve on Grievance Panel.

The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel, or with the complaint or dispute, giving rise to the grievance. Mayors who are in a direct line of supervision of a grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as panel members: spouse, parent, child, descendants of a child, sibling, niece, nephew, and first cousin. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee, or co-employee of the attorney shall serve as a panel member.

#### C. The following rules apply to Step 4 grievance panels and the conduct of Step 4 grievance panel hearings:

1. The grievant shall bear the reasonable cost and expenses, if any, of his/her panel member.
2. The Town shall bear the reasonable costs and expenses, if any, of its panel member and those of the third panel member unless the grievant objects. Upon objection, the reasonable costs and expenses of the third panel member shall be shared equally between the Town and the grievant.
3. No person shall receive any compensation, whether monetary or otherwise, for his time in serving as a member of a grievance panel. Notwithstanding this probation, a Town employee serving as a member of a grievance panel may receive his/her usual Town salary for the period he/she serves on such a panel.
4. The panel shall promptly set the date, time, and location for hearing the grievance and shall notify the parties.
5. The Town shall provide the panel with copies of the grievance record prior to the hearing, and shall provide the grievant with a list of the documents furnished to the panel.

6. Each party shall furnish to the other with copies of all documents, exhibits, and a list of witnesses it intends to use at the panel hearing seven (7) calendar days in advance of the hearing.
7. Both the grievant and the Town may be represented by legal counsel or other representative at the panel hearing. Such representatives may examine, cross-examine, question, and present evidence on behalf of the grievant or the Town before the panel without being in violation of the provisions of Virginia Code §54.1-3904.
8. The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. The Town shall present its evidence first in grievances challenging a disciplinary action and shall have the burden of persuasion on such issues.
9. All evidence shall be presented in the presence of the panel and the parties except by mutual consent of the parties.
10. The decision of the panel should be rendered as soon as possible, but, in any case, not later than five (5) calendar days following the conclusion of the hearing.
11. The panel shall have the authority, if it finds (based on the greater weight of the evidence) that the grievant has been denied a benefit or wrongly disciplined without just cause (where such cause is required) to reverse, reduce, or otherwise modify such action and, where appropriate, to order the reinstatement of such employee to his/her former position with back pay.
12. Back pay shall not exceed pay for time actually lost or paid leave required to be taken due to such suspension or discharge, in an amount the panel believes equitable up to the amount of actual loss.
13. Any award of back pay shall be offset by interim earnings the grievant earned during the period of separation.
14. The panel also has the power to sustain, modify, or reverse the Town's action.
15. The panel shall not have authority to do any of the following:
  - a. Formulate policies or procedures.
  - b. Alter existing policies or procedures.
  - c. Circumscribe or modify the rights afforded the parties in this procedure.
16. Grant relief greater than that which the grievant has requested in the request

form.

17. The majority decision of the panel, acting within the scope of its authority, shall be final and binding, subject to existing policies, procedures, and law.
18. The question of whether the relief granted by a panel is consistent with written policy shall be determined by the Mayor or his designee, unless the Mayor or his designee has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Attorney for the Commonwealth for the County.
19. Either party may petition the Circuit Court for an order requiring implementation of the panel decision.

## VII. Compliance

- A. Except as noted in paragraph VII (B), after the initial submission of the grievance to the immediate supervisor, the failure of either party to comply with all substantial procedural requirements of this procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of receipt of written notification by the other party of the noncompliance. Such written notification by the grievant shall be made directly to the Mayor.
- B. If one of the management respondents in Steps 1, 2, or 3 does not respond to the grievance, the grievant at his/her option may move the grievance to the next level by submitting it without the response to the next Step or the grievant can provide the Mayor notice of the non-compliance as set forth in paragraph VII (A).
- C. The Mayor shall determine compliance issues. Compliance determinations made by the Mayor or his designee shall be subject to judicial review, which shall be initiated by the grievant filing a petition with the Circuit Court of the County within thirty (30) calendar days of the compliance determination.

**GRIEVANCE HEARING FORM**

**--Please type or print--**

\_\_\_\_\_  
Name of Grievant

\_\_\_\_\_  
Job Title

\_\_\_\_\_  
Department

\_\_\_\_\_  
Telephone Number(s)

Step 2 – Department Head Meeting: To be completed by the grievant at Step 2 only and filed with the grievant’s department with a copy sent to the Mayor.

1. Date of the incident-giving rise to this grievance:  
\_\_\_\_\_

2. Date of the grievant’s first awareness of the incident:  
\_\_\_\_\_

3. Have you has a Step 1 informal hearing with your immediate supervisor:  
\_\_\_\_ Yes \_\_\_\_ No (Check one)

4. If yes, when?  
\_\_\_\_\_

5. Person(s) against whom this grievance is directed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Specify the incident that resulted in this grievance. (Use separate sheets if necessary):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Specify the policy(ies,) rule(s), or regulation(s) at issue.  
(Use separate sheets if necessary):

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8. Specify why the action taken was not proper. (Use separate sheets if necessary):

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9. Specify the relief sought. (Use separate sheets if necessary):

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\_\_\_\_\_  
Signature of grievant

\_\_\_\_\_  
Date submitted

## CHAPTER 10

### POLICE DEPARTMENT

Section 10.1	Powers
Section 10.2	Duties
Section 10.3	Adoption of Code of Virginia Crimes and Offenses Generally
Section 10.4	Adoption of Code of Virginia-Alcoholic Beverages

#### Section 10.1 Powers

Each member of the police force shall be vested with all the powers and authority belonging to any police officer or conservator of the peace in the Commonwealth of Virginia.

#### Section 10.2 Duties

It shall be the duty of each police officer to:

Use the best endeavors to prevent the commission of crime within the Town.

- (a) Prevent offenses against the laws of the Commonwealth and against the Town Ordinances.
- (b) Detect and arrest offenders against the laws of the Commonwealth and against the Town Ordinances.
- (c) Preserve the good order of the Town.
- (d) Insure the inhabitants of the Town from violence, and the property of the citizens therein from injury.
- (e) Acquaint themselves with all the streets and alleys.
- (f) Generally do all acts required by the Charter, Town Ordinances, or the criminal laws of the Commonwealth of Virginia.

Section 10.3                      Adoption of Code of Virginia Crimes and Offenses Generally

Adopted on November 8, 1988: Title 18.2 Code of Virginia Crimes and Offenses Generally. These are re-adopted each year at the regular monthly meeting of the Council in July.

Section 10.4                      Adoption of Code of Virginia-Alcoholic Beverages

Adopted on July 11, 1989: Section 4.62.2. of the Code of Virginia, Possession of Alcoholic Beverages for Persons under Age twenty-one (21).

Adopted on June 8, 1999: Code 18 and 46, Drinking or Possessing Alcohol on School Premises 4.1-309, Possess Alcohol under Age twenty-one (21), 3.1-305.

## CHAPTER 11

### PREVENTION OF FIRE

Section 11.1	Formation of Fire Department
Section 11.2	Purpose
Section 11.3	Appointment of Fire Chief
Section 11.4	Fire Truck to Remain in Town

#### Section 11.1                      Formation of Fire Department

The volunteer organization heretofore known as the Jonesville Fire Department is hereby officially organized and recognized as a governmental unit of the Town of Jonesville, Virginia. The name of this governmental unit shall be the Jonesville Fire Department. (11/13/75)

#### Section 11.2                      Purpose

The fire department shall use and be custodian of all the fire fighting equipment owned

by the Town of Jonesville. (11/13/75)

Section 11.3                      Appointment of Fire Chief

Appointment of the Fire Chief shall be by the Council. (11/13/75)

Section 11.4                      Fire Truck to Remain in Town

One fire truck shall remain within the corporate limits at all times and a limit of five (5) mile radius on other trucks. (5/11/81)

**CHAPTER 12**

**SEWER AND SEWAGE DISPOSAL**

**Division I-General**

Section 12.1	Control of Council
Section 12.2	Installed by Contract with Council
Section 12.3	Connection of or House or Parcels
Section 12.4	Duty of Owner to Connect
Section 12.5	Cellars and Basements
Section 12.6	Permits
Section 12.7	Connection Charges
Section 12.8	Failure to Pay Statements as Due
Section 12.9	Private Sewers Becoming Damaged or Inadequate
Section 12.10	Unlawful to Connect Without Permit
Section 12.11	When Connection is Made
Section 12.12	Obstructing, Breaking, or Injuring Sewers
Section 12.13	Draining Rainwater into Sanitary Sewer
Section 12.14	Sewer Service Charges
Section 12.15	Penalty for Violation

Section 12.16 Severability Clause

## **Division II-Prevention of Pollutants**

Section 12.17 General Provisions  
Section 12.18 Definitions  
Section 12.19 Abbreviations  
Section 12.20 Regulations  
Section 12.20.1 General Discharge Prohibitions  
Section 12.20.2 Federal Categorical Pretreatment Standards  
Section 12.20.3 Modification of Federal Categorical Pretreatment Standards  
Section 12.20.4 Specific Pollutant Limitations (Optional)  
Section 12.20.5 State Requirements  
Section 12.20.6 Town's Right of Revision  
Section 12.20.7 Excessive Discharge  
Section 12.20.8 Accidental Discharge  
Section 12.20.9 Written Notice  
Section 12.20.10 Notice to Employees  
Section 12.21 Fees  
Section 12.21.1 Purpose  
Section 12.21.2 Charges and Fees  
Section 12.22 Administration Wastewater Discharges  
Section 12.23 Permits  
Section 12.23.1 General Permits  
Section 12.23.2 Permit Application  
Section 12.23.3 Permit Modifications  
Section 12.23.4 Permit Conditions  
Section 12.23.5 Permit Duration  
Section 12.23.6 Permit Transfer  
Section 12.23.7 Reporting Requirements for Permittee  
Section 12.23.8 Agreements  
Section 12.23.9 Wastewater Discharge Permit Application  
Section 12.24 Monitoring Facilities  
Section 12.25 Inspection and Sampling  
Section 12.26 Pretreatment  
Section 12.27 Confidential Information  
Section 12.28 Enforcement  
Section 12.28.1 Harmful Contributions  
Section 12.28.2 Revocation of Permit  
Section 12.28.3 Notification of Violation  
Section 12.28.4 Show Cause Hearing  
Section 12.29 Penalty and Costs  
Section 12.29.1 Civil Penalties  
Section 12.29.2 Falsifying Information  
Section 12.30 Severability

Section 12.31	Conflict
Section 12.32	Effective Date

Section 12.1 Control of Council

All sewers, storm water, sanitary, or combines, (except house connections from curb line to lot line) that have heretofore been or may hereafter be constructed by any person under any street, road, alley, or park space or under any private court or alley, and which have been or may hereafter be connected into any sewers constructed by or belonging to the Town, shall be under the jurisdiction and control of the Town Council so long as said sewer or sewers shall remain connected with any such sewer or sewers constructed by or belonging to the Town.

Section 12.2 Installed by Contract with Council

All sewers that may be constructed by any person in any street, road, alley, or park space now open to the public use, or any street, road, or alley, or park space duly dedicated for public use, in the Town shall be installed by or under contract with the Town Council and shall be of such size and established at such grades and constructed according to such other specifications as may be prescribed by the town engineer.

Section 12.3 Connection of or House or Parcels

Constructed so as to Permit Connecting Each House or Separate Parcel of Property

The council shall extend the sewer system from sewers now built or hereafter built, to points at the curb, or alley line of each house, or separate parcel of property, at such location and depth as may be determined by the council, so that each house or separate parcel of property may be connected directly with the sewer system when and after the full amount as required by hereinafter has been paid into the town treasury.

Section 12.4 Duty of Owner to Connect; Emptying into Wells, Tanks, or Open Streams

- (a) Every house within the corporate limits of the Town of Jonesville, Virginia, used for human habitation, place of business, or manufacture located on property or properties which is in any way about a street, lot, or alley through which a public sewer runs shall be provided with standard flush toilets connected to such sewer line by approved pipes and standard plumbing fixtures, provided there is sufficient grade and the length of private sewer line required to make such connection does not exceed two hundred (200) feet.
- (b) It shall be unlawful for any person to empty any sewer or sewer system into any well, septic tank, cesspool, or open stream in the town when a public sewer is available with which to connect subject to the provision of this

ordinance.

- (c) It shall be unlawful for any property holder or his authorized agent to permit upon his property within the corporate limits of the Town of Jonesville, Virginia, a privy or dry closet of any kind for the reception of human excreta.
- (d) It shall be the duty of every person required to make connection to said sewer line as stated herein, to make such connection within six months after the completion of any line by the town, bringing the sewer line within the required distance of said person; in the event of a newly constructed building, said connection shall be made immediately to the town sewer line. Provided, however, that in making such connections, no person shall be required to cross the property of another.

Section 12.5                      Cellars and Basements

The council will not guarantee the drainage of cellars or basements.

Section 12.6                      Permits

Any person desiring sewer service from his premises, through any sewer constructed by or belonging to the tow, either by direct connection at the curb line or alley lot line, or by any indirect connection through the sewer of some other person adjoining or contiguous to his property, leading into a public sewer, shall before starting to make connection, apply to the town council for a permit for the said connection, and the town council shall issue a permit for the said sewer connection when and after said person shall have paid into the town treasury such connection fees as set forth in subsequent sections of this ordinance. Any person desiring more than one sewer service connection to any one separate piece of property, shall make application to the town council for the construction of such additional sewer line service, and when and after the estimated cost, made by the town council for such additional connection shall have been paid into the town treasury, by the owner of the property desiring the said additional connection. All permits for public sewer service connections shall be taken out in the name of the owner of the public property served.

Section 12.7                      Connection Charges

The connection charges for sewer connections as described herein shall be for residential connections, one hundred fifty (\$150.00) dollars plus the actual cost of making such connections; and for business connections shall be two hundred (\$200.00) dollars plus the actual cost of making such connections.

Amended 1/1/92: The connection charges for sewer connections as described herein shall be for residential connections, two hundred fifty (\$250.00) dollars plus the actual cost of making such connections in the town of Jonesville, Virginia; and three hundred (\$300.00) dollars plus the actual cost of making such connections for sewer connections out of the corporate limits.

Amended 3/13/01: The connection charges for sewer connections as described herein shall be for residential connections, three hundred (\$300.00) dollars plus the actual cost of making such connections in the town of Jonesville, Virginia; and four hundred (\$400.00) dollars plus the actual cost of making such connections for sewer connections out of the corporate limits.

Section 12.8 Failure to Pay Statements as Due

All sewer accounts are payable on or by the tenth (10<sup>th</sup>) day of each month at such place as will be designated on water use statement. If payment of said account is not made within twenty (20) days of the due date, written notice shall be given that service may be discontinued in ten (10) days after notice and a fee of fifteen (\$15.00) dollars shall be charged to the user before service is resumed, in addition to payment of all past due bills. All sewer bills shall be due and payable by the owner of the property served by said sewer service; in the event of an accrued bill and late charges incurred by a person other than the owner of said premises, said accrued bill and late charges shall be payable by the owner of the property prior to the re-connection of service at that location.

Section 12.9 Private Sewers Becoming Damaged or Inadequate

Whenever, in the opinion of the council, any sewer or sewer system heretofore constructed by any private person or persons and which is now or may hereafter be connected with any sewer constructed by or belonging to the town, shall become inadequate or damaged so that said sewer system fails to render reasonably satisfactory service, the town shall in its discretion install new sewers to replace such inadequate sewers or damaged sewers or sewer systems, and the person connected with such replaced sewers shall make their connection with such new sewer installed by the town, after payment of the fees required herein, less however, such amount as may previously have been paid by the former connection.

Section 12.10 Unlawful to Connect Without Permit and Payment

It shall be unlawful for any person to make any sewer service connection from any property, which abuts a public sewer to the public sewer system, either directly or indirectly, through any other sewer, without first having obtained a permit from the town council, and paid into the town treasury fees as required in this chapter for public sewer service.

Section 12.11 Duty of Plumber to Notify Town Mayor when Trench is Ready; Supervision of Mayor, Agent, or Town Council

It shall be the duty of plumber or person making any service sewer connection to the public sewer, directly or indirectly, through any other sewer, to notify the town Mayor

when the trench is open and ready for the connection and no connection is to be made by any person with the public sewer system, directly or indirectly, through any other sewer, except under the supervision of the town Mayor or his authorized inspector.

Section 12.12                      Obstructing, Breaking, or Injuring Sewers, Catch Basins, Manholes, Garbage, Trash, Earth, Etc.

It shall be unlawful for any person to obstruct, break, injure in any manner any public sewer, or to obstruct, break, or injure in any way or manner any catch basin or manhole, or to place any garbage, earth, trash, or other materials of any kind in any catch basin or manhole.

Section 12.13                      Draining Rainwater into Sanitary Sewer

It shall be unlawful for any person to connect any roof, downspout, yard or walkway drain, or any other drain carrying rainwater, into any house service sewer connected with any public sewer designed and constructed as a sanitary sewer only, or into any sewer leading into any public sewer designed and constructed as a sanitary sewer only.

Section 12.14                      Sewer Service Charges

Each residence, business, or other user of sewer connection services shall pay a monthly tax for such use which tax shall be in the amount of fifty (50%) percent of the total monthly water costs for such residence, business, or other user in addition to a three (\$3.00) dollar flat rate charge, which costs shall be added to and become part of the monthly statement of charges for water, sewer, and garbage services. Failure to pay the entire statement for such services shall subject each user to discontinuance of water, sewer, and garbage services in addition to such other penalties as provided for in this ordinance and in the water and garbage services ordinances of the Town of Jonesville.

Amended on 11/1/90: Flat rate of three (\$3.00) dollars plus sixty-two point five (62.5%) percent of water amount.

Amended on 6/27/01: Sewer rate of eighty (80%) percent of water.

Section 12.15                      Penalty for Violation

Any violation of the provisions of this ordinance shall be punished by a fine of not less than one hundred (\$100.00) dollars or more than five hundred (\$500.00) dollars, in the discretion of the court. Each day of any violation shall constitute a separate offense.

Section 12.16                      Severability Clause

In the event any section of this ordinance shall be held unconstitutional it will not affect the validity of the other sections of this ordinance.



## Division II-Prevention of Pollutants

### Section 12.17                      General Provisions-Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into wastewater collection and treatment system for the Town of Jonesville and enables the Town to comply with all applicable State and Federal Laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403)

The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipality wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for the equitable distribution of the cost of municipal wastewater system.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the Town of Jonesville and to the persons outside the Town who are by contract or agreement with the Town, users of the Town Publicly Owned Treatment Works. This ordinance is a supplement to Chapter 12 Sewer Ordinance as amended, except as otherwise provided herein, the Superintendent of the Town shall administer, implement, and enforce the provisions of the ordinance.

### Section 12.18                      Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

- (1) Act of "The Act"-The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et. Seq.
- (2) Approval Authority-The director in the NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without approved state pretreatment program.

- (3) Authorized Representative of Industrial User-An authorized representative of industrial user may be: (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) A general partner or proprietor is the industrial user in a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Biochemical Oxygen Demand (BOD)-The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter(mg/1)).
- (5) Building Sewer-A sewer conveying wastewater from the premises of a user to the POTW.
- (6) Categorical Standards-National Categorical Pretreatment Standards or Pretreatment Standard.
- (7) Town-The Town of Jonesville of the Town Council of Jonesville.
- (8) Cooling Water-The water discharged from any use such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.
- (9) Compatible Pollutant-Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly owned treatment work is designed to treat such pollutants to the degree required by the POTW's NPDES permit.
- (10) Control Authority-The term "control authority" shall refer to the "approval authority", defined herein above; or the Superintendent of the Town of Jonesville has an approved Pretreatment Program under the provisions of the 40 CFR, 403.11.
- (11) Direct Discharge-The discharge of treated or untreated wastewater directly to the waters of the State of Virginia.
- (12) Environmental Protection Agency, or EPA-The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (13) Grab Sample-A sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and without consideration of time.
- (14) Holding Tank Waste-Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
- (15) Incompatible Pollutants-All pollutants other than compatible pollutants as defined in sub-paragraph 11 of this section.
- (16) Indirect Discharge-The discharge or introduction of non-domestic pollutants from any source regulated under section 307 (b) or (c) of the Act, (33 S.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (17) Industrial User-A source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to section 402, of the Act. (33 U.S.C. 1342).

- (18) Interference-The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the Town's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.
- (19) National Categorical Pretreatment Standard or Pretreatment Standard-Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act (33 U.S.C.1347) which applies to a specific category of Industrial Users.
- (20) National Prohibitive Discharge Standard or Prohibitive Discharge Standard-Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.
- (21) New Source-Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307 (c), (33 U.S.C. 1347) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty (120) days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty (120) days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
- (22) National Pollution Discharge Elimination System or NPDES Permit-A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).
- (23) Person-Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental agency, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (24) pH-The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (25) Pollution-The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (26) Pollutant- Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
- (27) Pretreatment or Treatment-The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6 (d).

- (28) Pretreatment Requirements-Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- (29) Publicly owned Treatment Works (POTW)-A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Town. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town's POTW.
- (30) POTW Treatment Plant-The portion of the POTW designed to provide treatment to wastewater.
- (31) Shall is mandatory; May is permissive.
- (32) Significant Industrial User-Any industrial user of the Town's wastewater disposal system who (a) has a discharge flow of 25,000 gallons or more per average work day, or (b) has a flow greater than five (5) percent of the flow in the Town's wastewater treatment system, or (c) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act of Virginia Statutes and Rules or (d) is found by the Town, (State Control Agency) or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singularly or in combination with other contributing industries on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (33) State-State of Virginia
- (34) Standard Industrial Classification (SIC)-A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (35) Storm Water-Any flow occurring during or following any form of natural precipitation and resulting there from.
- (36) Suspended Solids-The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.
- (37) Toxic Pollutant-Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency (EPA) under the provisions of CWA 307 (a) or other Acts.
- (38) User-Any person who contributes, causes, or permits the contribution of wastewater into the Town's POTW.
- (39) Wastewater-The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (40) Waters of the State-All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or

underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

- (41) Wastewater Contribution Permit-As set forth in Section 4.2 of this ordinance.

Section 12.19                      Abbreviations

The following abbreviations shall have the designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams Per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. Seq.
USC	United States Code
TSS	Total Suspended Solids

Section 12.20                      Regulations

Section 12.20.1                      General Discharge Prohibitions

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or Local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

- (a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either along or by interaction with other substances to cause fire or explosion or to be injurious in any other way to the POTW or the operation of the POTW. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5%) percent nor any single reading over ten (10%) percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides, and any other substances which the Town, the State, or the EPA has notified the User is a fire hazard to the system.
- (b) Solid or viscous substances which may cause obstruction to the flow in a

sewer or other interferences with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one half (1/2") inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or tissues, paunch, fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding, or polishing wastes.

- (c) Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
- (e) Any noxious or malodorous liquids, gasses, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or a sufficient to prevent entry into the sewers for their maintenance or repair.
- (f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation program. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.
- (j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any

time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

- (k) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (l) Any wastewater which causes a hazard to human life or creates a public nuisance.

When the Superintendent determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amount as to Interference with the operation of the POTW, the Superintendent shall: (1) Advise the User(s) of the impact of the contribution on the POTW; (2) Develop effluent limitations for such User(s) to correct the Interference with the POTW.

#### Section 12.20.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supercede the limitations imposed under this ordinance. The Superintendent shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

#### Section 12.20.3 Modification of Federal Categorical Pretreatment Standards

Where the Town's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Town may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7 (c) (2) of Title 40 of the Code of Federal Regulations, Part 403- "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Town may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

#### Section 12.20.4 Specific Pollutant Limitations (Optional)

No person shall discharge wastewater containing in excess of:

- mg/1 arsenic
- mg/1 cadium
- mg/1 copper
- mg/1 cyanide
- mg/1 lead

- mg/1 mercury
- mg/1 nickel
- mg/1 silver
- mg/1 total chromium
- mg/1 zinc
- mg/1 total identifiable chlorinated hydrocarbons
- mg/1 phenolic, compounds which cannot be removed by the Town's wastewater treatment processes.

Section 12.20.5 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this ordinance.

Section 12.20.6 Town's Right of Revision

The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 12.17 of this ordinance.

Section 12.20.7 Excessive Discharge

No user shall ever increase the use of process water or, in any way; attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the State or Town. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 12.20.1, e.g. the pH.)

Section 12.20.8 Accidental Discharge

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town before construction of the facility. All existing Users shall complete such a plan by January 1, 1983. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective actions.

Section 12.20.9                      Written Notice

Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Section 12.20.10                      Notice to Employees

A notice shall be permanently posted on the use's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification.

Section 12.21                              Fees

Section 12.21.1                              Purpose

It is the purpose of this chapter to provide for the recovery of costs from users of the Town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by the Town's Schedule of Charges and Fees.

Section 12.21.2                              Charges and Fees

The Town may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the Town's Pretreatment Program;
- (b) Fees for monitoring, inspections, and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal (by the Town) of pollutants otherwise subject to Federal Pretreatment Standards; and
- (g) Other fees as the Town may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the Town.

Section 12.22 Administration Wastewater Discharges

Wastewater Discharges-It shall be unlawful to discharge without a Town permit to any natural outlet within the Town of Jonesville, or in any area under the jurisdiction of said Town, and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Ordinance.

Section 12.23 Wastewater Contribution Permits

Section 12.23.1 General Permits

All significant users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within one hundred eighty (180) days (optional) after the effective date of this ordinance.

Section 12.23.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the Town, an application in the form prescribed by the Town, and accompanied by a fee of \_\_\_\_\_. Existing users shall apply for a Wastewater Contribution Permit within thirty (30) days (optional) after the effective date of this ordinance, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 12.20 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of the contribution;
- (e) Average daily and three (3) minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any;
- (f) Site plans, flow plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- (g) Description of activities, facilities, and plant process on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, state, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being

met on a consistent basis and if not, whether additional O & M and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

- (i) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;

The following conditions shall apply to this schedule:

- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e. g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);
- (b) No increment referred to in Paragraph (1) shall exceed nine (9) months;
- (c) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between the progress reports to the Superintendent.
- (d) Each product produced by type, amount, process or processes, and rate of production;
- (e) Type and amount of raw materials processed (average and maximum per day);
- (f) Number and type of employees, and hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
- (g) Ant other information as may be deemed by the Town to be necessary to evaluate the permit application.

The Town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

### Section 12.23.3                      Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as

required by 4.2.2, the User shall for a Wastewater Contribution Permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Superintendent within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 4.2.2

#### Section 12.23.4                      Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges, and fees established by the Town. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports (see 4.3);
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Town, and affording Town access thereto;
- (i) Requirements for notification of the Town or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Requirements for notification of slug discharges as per 5.2;
- (k) Other conditions as deemed appropriate by the Town to ensure compliance with this Ordinance.

#### Section 12.23.5                      Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years (optional). A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term

of the permit as limitations and and/or requirements as identified in Section 2 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 12.23.6                      Permit Transfer

Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be re-assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Town. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Section 12.23.7                      Reporting Requirements for Permittee

- (a) Compliance Date Report-Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards and Requirements. The report shall state whether the applicable Pretreatment Standards and Requirements are being met on a consistent basis, and if not, what additional O & M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards and Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified by a qualified professional.
- (b) Periodic Compliance Reports:
  - (1) Any User subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or in the case of a New Source, after commence of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (b) (4) of this Section. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
  - (2) The Superintendent may impose mass limitations on Users which are

using dilution to meet applicable Pretreatment Standards and Requirements or in any other cases where the impositions of mass limitations are appropriate. In such cases, the report required in paragraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

Section 12.23.8                      Agreements

In consideration of the granting of this permit the undersigned agrees:

- (1) To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Town;
- (2) To accept and abide by all provisions of Ordinance, Chapter 30 of the Town of Jonesville, and of all other pertinent Ordinances or regulations that may be adopted in the future;
- (3) To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the wastewater treatment system of the industrial wastes involved, in an efficient manner at all times, and at no expense to the Town;
- (4) To cooperate at all times with the Town and its representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment;
- (5) To notify the Town immediately in the event of any accident, or other occurrence that occasions contributors to the wastewater treatment system of any wastewater or substances prohibited or covered by this permit.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

\$ \_\_\_\_\_ Inspection fee paid: \_\_\_\_\_

Application approved and permit granted:

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

**Town of Jonesville**

**Department of Public Works**

**WASTEWATER DISCHARGE PERMIT**

Permit No. \_\_\_\_\_

In accordance with all terms and conditions of the Jonesville Town Code, Part \_\_\_\_\_, Article \_\_\_\_\_, Section \_\_\_\_\_, et. Seq. and also with any applicable provisions of Federal and State Law or Regulation:

Permission is Hereby Granted To: \_\_\_\_\_

Classified by SIC No. \_\_\_\_\_

For the contribution of \_\_\_\_\_

Into the Town of Jonesville sewer lines at \_\_\_\_\_

\_\_\_\_\_

This permit is granted in accordance with the application filed on \_\_\_\_\_, \_\_\_\_\_

In the office of the \_\_\_\_\_, and in conformity with plans, specifications and other data submitted to the Town of Jonesville in support of the above application, all of which are filed with and considered as part of the permit, together with the following named conditions and requirements.

Effective this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

To expire \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Superintendent

## Section 12.24                      Monitoring Facilities

The Town, at the Town's discretion, may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Town.

## Section 12.25                      Inspection and Sampling

The Town shall inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is being created or discharged shall allow the Town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any of their duties. The Town, Approval Authority, and (where the NPDES State is the Approval Authority) EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town, Approval Authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

## Section 12.26                      Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pre-treat wastewater to a level acceptable to the Town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the

Town for review, and shall be acceptable to the Town before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Town prior to the user's initiation of the changes.

The Town shall annually publish in the County Newspaper a list of the users which were not in compliance with any Pretreatment Requirements or Standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Approval Authority upon request.

#### Section 12.27                      Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit, and/or the Pretreatment Programs; provided however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Town as confidential, shall not be transmitted to any governmental agency or to the general public by the Town until and unless a ten (10) day notification is given to the user.

#### Section 12.28                      Enforcement

##### Section 12.28.1                      Harmful Contributions

The Town may suspend the Wastewater Contribution Permit when such suspension is necessary, in the opinion of the town, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, or causes

the Town to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Town may reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Town within fifteen (15) days of the date of occurrence.

#### Section 12.28.2                      Revocation of Permit

Any user who violates the following conditions of this Ordinance, or applicable State and Federal Regulations, is subject to having his permit revoked in accordance with the procedures of Section 5 of this Ordinance:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents or characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring, or;
- (d) Violations of conditions of the permit.

#### Section 12.28.3                      Notification of Violation

Whenever the Town finds that any user has violated or is violating this Ordinance, limitation of requirements contained herein, the Town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the User.

#### Section 12.28.4                      Show Cause Hearing

- (a) The Town may order any user who causes or allows an authorized discharge to show cause before the Town Council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Town Council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action,

and directing the user to show cause before the Town Council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- (b) The Town Council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of (assigned department) to :
  - (1) Issue in the name of the Town Council notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any manner involved in such hearings;
  - (2) Take the evidence;
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Council for action thereon.
- (c) At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- (d) After the Town Council has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service to be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed on existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- (e) If any person discharges sewage, industrial wastes, or other wastes into the Town's wastewater disposal system contrary to the provisions of this Ordinance, Federal, or State Pretreatment Requirements or any order of the Town, the Town Attorney may commence an action for appropriate legal and/or equitable relief in the (Circuit) Court of this county.

## Section 12.29                      Penalty and Costs

Any user who is found to have violated an order of the Town Council or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules, regulations, and permits issued hereunder, shall be fined not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense. Each day on which a violation shall occur or continue to occur shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

### Section 12.29.1                      Civil Penalties

Section 12.29.2 Falsifying Information

Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall upon conviction, be punished by a fine of not more than one thousand (\$1,000.00) dollars or by imprisonment for not more than six (6) months, or both.

Section 12.30 Severability

If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

Section 12.31 Conflict

All other Ordinances and parts of Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 12.32 Effective Date

This Ordinance shall be in full force and effect on the 14<sup>th</sup> day of June, 1977.

**ORDINANCE AUTHORIZING THE ISSUANCE OF  
GENERALM OBLIGATION SEWER REFUNDING BONDS  
OF THE TOWN OF JONESVILLE, VIRGINIA,  
IN THE MAXIMUM AMOUNT OF \$230,000  
TO FINANCE AND REFINANCE  
CERTAIN SEWER SYSTEM IMPROVEMENTS**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JONESVILLE, VIRGINIA:**

1. It is hereby determined to be necessary and expedient for the Town of Jonesville, Virginia (the "Town"), to finance and refinance certain improvements to the Town's sewer system (the "Project") and to borrow money for such purpose and issue the Town's general obligation bonds therefore.
2. Pursuant to the Constitution and Statutes of the Commonwealth of Virginia, including the Public Finance Act and the Town Charter, there are hereby authorized to be issued general obligation refunding bonds of the Town I the maximum amount of \$230,000 to provide funds to finance and refinance the Project.
3. The bonds shall bear such date or dates, mature at such time or times not exceeding twenty (20) years from their dates, bear interest at such rate or rates not exceeding six point five (6.5%) percent per year, be in such denominations and form, be executed in such manner and be sold at such time or times and in such a manner as the Town Council may hereafter provide by appropriate resolution or resolutions.
4. The bonds shall be general obligations of the Town for the payment of principal of and interest on which its full faith and credit shall be irrevocably pledged. Additionally, the net revenues derived from the Town's sewer system may be pledged.
5. The bonds shall be issued only upon the approval of the same by the State Council on Local Debt pursuant to Section 15.1-193 of the Code of Virginia of 1950, as amended.

Adopted by the Town Council of the Town of Jonesville, Virginia, on the 14<sup>th</sup> day of May, 1991.

Approved:

E. Ewell Bledsoe, Mayor  
Town of Jonesville, Virginia

**CHAPTER 13**

**SOLID WASTE AND LITTER CONTROL**

Section 13.1	Containers and Storage
Section 13.2	Collection Fees
Section 13.3	Special Hauling of Refuse
Section 13.4	Littering

Section 13.1 Containers and Storage

- (a) All business establishments and Government Buildings in the Disposal of Garbage and Trash shall use metal containers, not exceeding thirty (30) gallons, to store garbage and trash until same may be collected by authorities of the Town. The metal containers shall be adequately covered by a lid sufficient to prevent loss of stored material. Containers shall be placed at the rear property line of business establishments or public buildings in so far as practical and possible. (4/30/60)
- (b) Any business establishment or Government failing to act or conform with this Ordinance shall be subject to a fine of not less than one (\$1.00) dollar nor more than one hundred (\$100.00) dollars each day that said business establishment or public Government building shall fail or to refuse to conform to this Ordinance shall constitute a separate offense. (4/30/60)

Section 13.2 Collection Fees

- a) Effective August 1, 1986, the following garbage fees are effective:
  - (1) Residence \$ 3.00  
(Amended 8/24/86 to \$4.00; Amended 11/1/90 to \$5.00; Amended 7/1/94 to \$9.50; Amended 11/14/95 and effective 11/1/95 to \$7.25)
  - (2) Office 6.00
  - (3) Business 10.00  
(Amended 6/13/89 ; Amended 10/1/94 to \$15.00 per month except Candlelite Lounge and Jonesville Drug Store which will remain at \$35.00 per month; Amended 11/1/95; Amended 10/10/00 to Snelson's Trash Service will charge Commercial Customers directly at the same rate the Town is currently charging.)
- b) All lodge halls and churches shall be exempt from collection fees. (3/70)

Section 13.3 Special Hauling of Refuse

For hauling garbage within the Town, other than garbage properly packed in plastic bags, or placed in metal trash cans; any garbage not so packaged such as tree limbs and other bulky items may be hauled away by the Town at the Towns convenience and where done, a charge for actual cost incurred by the Town shall be imposed upon the property owner with his next regular monthly garbage collection bill, for all time spent by Town employees to haul away such garbage not packaged in plastic bags or placed in metal trash cans. (8/12/76)

Amended 4/10/01 the cost of \$3.00 per Residential household.

Section 13.4 Littering

No person shall throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can, or any other substance likely to injure a person or

animal or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel, or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, hazardous, or injurious materials shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Any person violating the provisions of this section shall be guilty of a Class 1 Misdemeanor.

## **CHAPTER 14**

### **STREETS AND SIDEWALKS**

Section 14.1	General Provisions
Section 14.2	Tearing Up or Injuring Streets
Section 14.3	Encroachment on Streets
Section 14.4	Debris on Sidewalks
Section 14.5	Drainage from Lots
Section 14.6	Sidewalk Crossing
Section 14.7	Cutting Trees
Section 14.8	Obstruction on Streets at Night
Section 14.9	Littering
Section 14.10	Obstruction of Streets and Sidewalks

Section 14.1                      General Provisions

The terms "Street", when used in these Ordinances, shall be held to mean streets, sidewalks, alleys, lanes, and all public highways of the Town, except where by the context or by reasonable intent sidewalks are not included.

Section 14.2                      Tearing Up or Injuring Streets

No person unless specially authorized by the Council or Mayor shall tear up or dig in or in any way deface or injure any street or sidewalk, except that whenever it may be necessary to disturb any street or sidewalk for purposes incident to the water supply or sewer system of the Town, the work shall be done only under the discretion and control of the Town Council. Any person violating the provisions of this section shall be deemed guilty of a Class 3 Misdemeanor.

Section 14.3                      Encroachment on Streets

In every case of encroachment upon a street by a building, fence, or other structure, the Council shall require and notify the owner or maintainer thereof to remove the same. For failure to make the removal within the time ordered, the Council may cause such encroachment to be removed at the risk and cost of the party in default, and in addition to the owner or maintainer who has so failed to make removal of such encroachment as required by the Council shall be deemed guilty of a Class 3 Misdemeanor.

Section 14.4                      Debris on Sidewalks

Whenever any debris, mud, coal, wood, tree limbs, or other like commodity is handled or transported over or about any sidewalk in the Town, or caused to be placed upon such sidewalk, the person causing such obstruction shall within two hours after work is completed cause the sidewalk to be cleaned and removed of such defects. For failure to comply with this section, violators shall be deemed guilty of a Class 3 Misdemeanor.

Section 14.5                      Drainage from Lots

No water from any lot, gutter, or spout shall be permitted to flow across the sidewalk or footway of any street except in a covered drain, the cover of which shall not be above the surface of such footway or sidewalk. Said drain shall be of sufficient capacity to convey the water to be received by it and shall be built, kept open and kept in good repair by the owner or occupant of the premises which it drains. Failure to comply with the provisions of this section shall constitute a Class 3 Misdemeanor.

Section 14.6                      Sidewalk Crossing

Whenever it shall be necessary, in order to enter private alleys, garages, or property it shall be necessary to cross a sidewalk, proper approaches shall be made and pavement built by the owner or occupant of the property suitable for the purpose, to be

approved by the Town Council, at the owner's expense. Failure to comply with the provisions in this section shall constitute a Class 3 Misdemeanor.

Section 14.7                      Cutting Trees

No tree shall be cut on any street or alley of the Town of Jonesville without the consent of the Council. Violation of this section shall constitute a Class 3 Misdemeanor.

Section 14.8                      Obstruction on Streets at Night

If any person, firm, or corporation, place, causes, or leave any obstruction of any kind on any streets, alleys, or sidewalks in the Town in the nighttime, he shall put a red light on said obstruction, which shall be kept burning from sunset to sunrise. Violation of this section shall constitute a Class 3 Misdemeanor.

Section 14.9                      Littering

It shall be unlawful to throw or place any litter, rubbish, filth, thrash, paper, or other matter or to deposit or place any slops, soap-suds, water, dirt, vegetables, or any other matter of like kind in or on any street, alley, or sidewalk in the Town of Jonesville or any public property. Violation of this section shall constitute a Class 3 Misdemeanor.

Section 14.10                      Obstruction of Streets and Sidewalks

No person shall obstruct a street either in its roadway or sidewalk by placing therein anything whatever which will hinder or obstruct the passage of persons or vehicles in any manner whatsoever. Violation of this section shall constitute a Class 3 Misdemeanor.

## CHAPTER 15

### SUBDIVISION ORDINANCE

Section 15.1	Purpose and Title
Section 15.2	Definitions
Section 15.3	Compliance with Chapter
Section 15.4	Preparation and Recording of Subdivision Plats
Section 15.5	Procedure
Section 15.6	Preliminary Layouts
Section 15.7	Final Subdivision Plats
Section 15.8	General Requirements and Minimum Standards of Design
Section 15.9	Improvements, Grading, Drainage System, Street Signs, Water and Sewer Lines, etc.
Section 15.10	Variances
Section 15.11	Changes and Amendments
Section 15.12	Where Certified Copies of Chapter to be Filed
Section 15.13	Penalty for Violations of Chapter and Enforcement Proceedings
Section 15.14	Separability
Section 15.15	Effective Date 01/01/1977

#### Section 15.1                      Purpose and Title

The purpose of this ordinance is to establish certain subdivision standards and procedures for Jonesville, Virginia, and such of its environs as come under the jurisdiction of the governing body as provided for by the 1950 Code of Virginia, as amended.

These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands

and acreage become urban in character as a result of development for residential, business, or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate, and efficient manner. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities.

This ordinance is known and may be cited as the "Subdivision Ordinance of the Town of Jonesville, Virginia".

## Section 15.2                      Definitions

- a) Alley-A narrow public thoroughfare, not exceeding sixteen (16) feet in width, which provides a secondary means of vehicular access abutting properties, and which is not intended for general circulation.
- b) Building Setback-The distance that a building must be set from the lot line or boundary.
- c) Collector Street-A street which is intended to collect traffic from the minor streets within a neighborhood or a portion thereof and to distribute such traffic to major thoroughfares, in addition to providing access to properties abutting thereon.
- d) Commission-The Town Council of Jonesville, Virginia.
- e) Cross walkway-A public way intended for pedestrian use and excluding motor vehicles, which cuts across a block in order to furnish improved access to adjacent streets or properties.
- f) Cul-de-sac-A minor street having but one end open for vehicular traffic and with the other end permanently terminated by a turnaround or back around for vehicles.
- g) Easement-A strip of land for which the owner grants a right of use to someone else for one or more designated purposes, which purposes are consistent with the general property rights of the owner.
- h) Governing Body-The governing body of the Town of Jonesville, Virginia.
- i) Health Officer or Official-The health officer or sanitarian of Lee County, Virginia.
- j) Highway Engineer-The resident engineer employed by the Virginia Department of Highways.
- k) Jurisdiction-The area of territory subject to the legislative control of the governing body.
- l) Lot-A portion of a subdivision intended for transfer of ownership or for building development for a single building and its accessory buildings, whether immediate or future.
- m) Lot Area-The total horizontal area within the lot lines of the lot.
- n) Lot (corner)-A lot abutting upon two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the

- lot.
- o) Lot (depth)-The average horizontal distance between the front and rear lot lines.
  - p) Lot (double frontage)-An interior lot having frontage on two (2) streets.
  - q) Lot Line-The boundary line of a lot.
  - r) Lot (width)-The horizontal distance between the side lot lines measured at the required building setback line.
  - s) Major thoroughfare-A street or highway so designated on the Major Thoroughfare Plan of Jonesville, Virginia.
  - t) Mayor-The Mayor for the Town of Jonesville, Virginia.
  - u) Minor Street-A street other than a major thoroughfare or collector street and intended primarily for providing access to abutting properties.
  - v) Plat-Includes the terms: map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide".
  - w) Subdivider-Any person, individual, firm, partnership, association, corporation, Estate, trust, or any other group or combination acting as a unit, dividing or proposed to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.
  - x) Subdivision-The division of a parcel of land into three (3) or more lots or parcels of less than five (5) acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes re-subdivision and, when approximate to the context, shall relate to the process of subdividing or the land subdivided.

### Section 15.3 Compliance with Chapter

The subdivision of land within the jurisdiction of Jonesville, and the recording of the plat thereof, shall be subject to the conditions, regulations, and restrictions set forth in the Chapter, and it shall be unlawful to record the plat in the corporation court of the County, unless it shall have been approved by the planning commission of the Town, and the conditions, regulations, and restrictions set forth and prescribed in this chapter shall have been substantially complied with by such owner.

### Section 15.4 Preparation and Recording of Subdivision Plats

- a) Any owner or any proprietor of any tract of land situated within the corporate limits of the Town, who subdivides the same, shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the corporation Court of Lee County. No such plat of subdivision shall be recorded unless and until it shall have been submitted and approved by the planning commission in accordance with the regulations set forth in the chapter and so certified thereon by the Town Clerk.
- b) No building permit shall be issued for the erection of any structure or building to

be located in any subdivision, a plat whereof is required to be recorded pursuant to the provisions of this chapter until such plat shall have been admitted to record as herein provided.

- c) Every plat shall be prepared by a civil engineer or a surveyor duly licensed by the state, who shall endorse upon each such plat a certificate signed by him setting forth the source of the title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat.
- d) Every such plat, or the deed of dedication to which such plat is attached, shall contain in addition to the civil engineer's or surveyor's certificate a statement to the effect that the above and foregoing subdivision of \_\_\_\_\_ as appears in this plat is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgement of deeds, and when thus executed and acknowledged, shall be filed and recorded in the office of the Clerk of the corporation Court of the County, and indexed under the name of the subdivision.
- e) Every such plat, or the deed of dedication to which such plat is attached, shall contain, in addition the items above, a release and waiver of any claim or claims for damages which such owner, his heirs, successors, or assigns, and trustees, if any, have or acquire against the Town, by reason of establishing proper grade line on and along such streets and alleys and by reason of doing necessary grading and filling for the purpose of placing such streets and alleys upon the proper grade and releasing the Town or County from building any retaining wall or walls along the streets and/or alleys and/or property lines. If the planning commission shall have required the owner of such platted lands to submit profiles of such streets, and alleys, showing the contour thereof, together with the proper grade lines laid on such profiles shall have been recorded by the owner or at his expense in the record of the profiles of the streets and alleys of the Town, such release and waiver shall be made with reference thereto and generally as well.
- f) The recordation of such plat shall operate to transfer, in fee simple, to the Town such portion of the property platted as is on such plat set apart for streets, alleys, easements, or other public use and to create a public right of passage over the same; but nothing contained herein shall prevent the persons who set apart such land for streets and alleys, their heirs and assigns, where otherwise under this chapter they have the right to do so, from erecting, putting down, and maintaining gas lines, water pipes, sanitary sewer pipes, drains and drain pipes, or electric lines, or conduits, along or under the portions so set apart, when such gas lines, water pipes, sanitary sewer pipes, drains and drain pipes, or electric lines, or conduits, are constructed, erected, placed, installed, and maintained pursuant to the provisions of this chapter and other applicable Ordinances of the Town or County.

- a) Whenever any subdivision of land is proposed within any territory to which the Subdivision Ordinance applies and before any permit for the erection of a structure shall be granted for the subdivider or his agent shall apply in writing to the planning commission at least two weeks prior to the regularly scheduled meeting of the planning commission at which action on the preliminary plat is desired for approval of his subdivision plat and submit three copies of the preliminary lot, street, and utilities layout.
- b) The subdivider shall submit his preliminary layout in conformity with Section 15.6.
- c) The preliminary shall be checked by the planning commission for conformity with the comprehensive plan, zoning, and other applicable regulations and the design principles and standards and requirements for submission as set forth in this Ordinance. Copies of the preliminary plat shall be referred to the engineer, health officer, and other appropriate public officials concerned with public improvements or health requirements, for review and approval. The planning commission shall discuss the preliminary layout with the subdivider at a meeting of the planning commission. After such discussion the planning commission shall communicate within forty-five (45) days in writing to the developer; (1) Specific changes that are required in the preliminary layout; (2) The character and extent of public improvements that will have to be made in keeping with the public health, safety, morals, and general welfare; and (3) The amount of construction or improvement or the amount of performance or payment bond which it will require as a prerequisite to approval of the final subdivision plat. The subdivider shall publish a notice in a newspaper published in or having general circulation in said Town a notice of the time and place of such discussion, giving the general location of the property in order that any interested party may appear. Such notice shall be published on time at least fifteen (15) days prior to the date for discussion.
- d) The subdivider shall within six (6) months, after official notifications by the planning commission in respect to the preliminary layout, file with the planning commission the final subdivision plat in accordance Section 15.6 at least two (2) weeks prior to a regularly scheduled meeting of the planning commission at which action on the final plat is desired.
- e) The planning commission shall, within sixty (60) days from the date of the submission of the final plat, approve, modify, or disapprove such plat and failure to act within sixty (60) days shall be deemed approval.
- f) Approval of the plat shall not be finally effective until the subdivider has complied with the general requirements and minimum standards of design in accordance with Section 15.8 and made or provided for the improvements as required by the planning commission pursuant to Sections 15.5 and 15.9, to the satisfaction of the planning commission and so certified on said plat by the Town Clerk.
- g) Unless the owner of the subdivision shall have said plat recorded in the office of the clerk of the corporation Court of the County, within six (6) months after its final approval by the planning commission and before any lots are sold in said subdivision, the approval of the plan of said subdivision shall be deemed to have been withdrawn and the said plat shall be marked "void" and returned to the planning commission.
- h) The final plat may be for all the property included in the preliminary plat, or it may

be limited to any portions thereof which are intended to be developed as a unit. Additional final plats, covering additional units of the property, may be submitted later, provided that the preliminary plat is still valid. Every final plat shall be substantially in accordance with the tentatively approved preliminary plat, including any changes or additions required by the planning commission as a condition for its tentative approval, and it shall conform in every respect with the requirements for the preparation of such plat set forth in Section 15.7.

## Section 15.6 Preliminary Layouts

The subdivider shall present to the planning commission three (3) copies of a preliminary layout at a scale of one hundred (100) feet to the inch, which shall show thereon:

- a) The general plan for the ultimate development of the property, including so much of the surrounding area as may be necessary for an adequate consideration of the land to be subdivided.
- b) Proposed subdivision name or identifying title and a description of its location.
- c) Name and address of record owner, subdivider, and designer of preliminary layout.
- d) Location of existing property lines, easements, buildings, water courses, sewers, and manholes, water mains, culverts, storm drains, and basins, and other essential features.
- e) Boundaries of the land being subdivided in heavy outline, with the approximate dimensions of the property and the approximate acreage contained therein.
- f) The names of all the subdivisions immediately adjacent thereto and the names of the owners of record of adjacent un-subdivided property.
- g) Location, names, and widths of existing and proposed streets, highways, easements, alleys, parks, and other public open spaces.
- h) All parcels of land proposed to be dedicated for public use and the conditions, if any, of such dedication.
- i) Date, true north point, and scale.
- j) Map of survey of the tract boundary, and made certified by a licensed civil engineer or surveyor by metes and bounds.
- k) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply.
- l) Proposed provisions for collection and discharging surface drainage and preliminary designs for any bridges or culverts which may be required.
- m) Layout, numbering, and approximate dimensions and all areas of proposed lots or parcels.
- n) Proposed building lines along all streets, with the minimum amount of set-back required.
- o) The location of the proposed sanitary sewers, storm drains, water mains, and other utilities, and the sizes and types thereof with easements indicated where necessary, and the location of proposed manholes and basins and underground conduits.

- p) Contours at vertical intervals of not more than five (5) feet, provided however, that if the topography is such that five (5) foot intervals does not effectively show the true contour, two (2) foot intervals may be required by the planning commission prior to discussion with the subdivider.
- q) Profiles of all proposed streets and alleys, showing the proposed grade lines thereon, and typical across sections.
- r) Statements explaining how and when the subdivider proposed to provide and install required water supply, sewers and other means of sewage disposal, street pavements, curbs and gutters, and drainage structures.
- s) Statements concerning any proposed deed restrictions to be imposed by the owner.

Section 15.7                      Final Subdivision Plats

- 1) The final subdivision plat shall, by the use of black India ink, be clearly legible drawn on standard linen tracing cloth, mylar, or other stable based medium. The size of the sheet shall be seventeen (17) inches by twenty-two (22) inches. The drawing shall be to scale of one (1) inch equals one hundred (100) feet. The original and four (4) prints shall be submitted to the planning commission. After approval, both the original and one (1) print thereof shall be returned to the owner or proprietor, for recordation as approved. If several sheets are necessary, they shall all conform to the requirements and match points shall be clearly indicated.
- 2) It shall contain thereon all the certificates and statements required by Section 15.4, and shall be accompanied by a deed of dedication with required certificates, statements, and release.
- 3) The subdivision plat shall show the following:
  - a) Proposed subdivision name or identifying title, location, address or record owner, and subdivider, name of the licensed professional engineer or surveyor.
  - b) Street lines, alleys, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use, with their widths and lengths plainly marked in figures on said plat, and street names.
  - c) Sufficient data acceptable to the planning commission to readily determine on the ground the location, bearing, and length of every street line, lot line, and boundary line. Reference must be made to known or permanent monuments and, where practicable, to the state system of plane coordinates. Linear distances shall be in feet and decimals. All dimensions, both linear and angular shall be determined by an accurate control survey which must close and balance within a limit of one (1) foot in five thousand (5,000) feet. A plus or minus figure shall not be permitted in any line.
  - d) The boundaries of the property, location, graphic scale, and true north point.
  - e) Every such plat shall show all lands which the owner proposes to dedicate for the public use together with the covenants, if any, as to the use thereof; provided, however, that any such covenants be shown in the allowed deed of dedication.
  - f) All permanent reference monuments shall be plainly identified on the plat.

- g) A resolution in blank, showing the approval of such plat for recordation, pursuant to this chapter.

Section 15.8                      General Requirements and Minimum Standards of Design

The following requirements and standards of design shall apply:

- (1) All required improvements shall be installed by the subdivider at his cost. In cases where specifications have been established either by the Virginia Department of Highways and Transportation for streets, curbs, etc., or by the Virginia Department of Health, or by local ordinances and codes, such specifications shall be followed. The subdividers bond shall not be released until construction has been inspected and improved by both of the aforementioned agencies. All improvements shall be in accordance with the following requirements:
- (2) All streets in the proposed subdivision shall be designed and constructed in accordance with the following minimum requirements by the subdivider at no cost to the locality.
- (3) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Whenever possible, streets should intersect at right angles. Offsets and jogs shall be avoided.
- (4) Major streets shall approach major or minor streets at an angle of not less than eighty (80) degrees, unless the planning commission upon recommendation of the highway engineer shall approve a lesser angle of approach for reasons of contour, terrain, or matching of existing development patterns.
- (5) The minimum width of proposed streets, measured from lot line to lot line, shall be specified by the Virginia Department of Highways and Transportation for acceptance into the State Secondary Road System.
- (6) When lots in a subdivision abut on one side of any street which has been included in the State Secondary Road System, the subdivider shall be required to dedicate enough land so that one-half of the width of such street, as measured from the center line to the subdivision property line, shall be twenty-five (25) feet or one-half the standard width of such highway, whichever is greater, but he shall not be responsible for grading or surfacing said existing street or highway.
- (7) Streets shall be constructed in compliance with the requirements of the Virginia Department of Highways and Transportation. Where required by the highway engineer, a drainage system shall be provided for by means of culverts, ditches, catch basins, and any other facilities that are necessary to

- provide adequate drainage and disposal of surface and storm waters from or across all streets and adjoining properties.
- (8) Street signs shall be installed at all streets intersections in any subdivision by the subdivider. The grades of streets submitted on subdivision plats shall be approved by the highway engineer prior to final action by the planning commission.
  - (9) The street layout shall be designed to create desirable building sites while respecting existing topography, minimizing street grades, avoiding excessive cuts and fills, and preserving trees to the maximum extent possible.
  - (10) Where the planning commission deems it desirable or necessary to provide access to adjacent tracts not presently subdivided, proposed streets in the subdivision shall be extended to the boundary lines with such adjacent tracts, and temporary turnarounds shall be provided at the ends of such streets, by means of temporary easements or otherwise.
  - (11) Where the subdivision abuts or contains a primary highway, the planning commission may require that measures be taken to reduce the impact of heavy traffic on the residential lots abutting or fronting upon such highway and to afford separation of through and local traffic, through one of the following means:
    - a. By providing vehicular to such lots by means of a service drive separated from the major thoroughfare by a planting strip and connecting therewith at infrequent intervals.
    - b. By designing reverse frontage lots having access only from a parallel minor street or from cul-de-sac or loop streets, and with vehicular access to such lots from the major thoroughfare prohibited by deed restrictions or other means.
    - c. The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the planning commission, giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings, and other pertinent factors.
  - (12) Private street will not be permitted in any proposed subdivision.
  - (13) Proposed streets that are in alignment with existing streets already named shall bear their names. No new street shall duplicate names of existing streets.
  - (14) Alleys shall be provided in the rear of lots to be used for business purposes, and in residential lots where the planning commission may direct.
  - (15) Dead end streets (cul-de-sacs) shall be designed so that turnarounds at the closed ends shall have a minimum radius for the outside curb of at least forty (40) feet; and they shall not be over Twelve hundred (1,200) feet in length.
  - (16) Each corner property at street intersections shall be rounded off by an arc, the radius of which shall not be less than twenty (20) feet, except that in a business area a chord may be substitutes for such an arc. Curbs at street intersections shall be rounded off concentrically with the property lines. The

- design of the intersection should provide clear sight distance for oncoming vehicles, and there should be a suitable leveling of the street grade within and approaching the intersection.
- (17) Streets shall be spaced to allow for blocks meeting the dimensional requirements contained herein and to minimize the number of intersections with existing or proposed major thoroughfares.
  - (18) Monuments of a type approved by the planning commission shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all curve points, angle points, and street intersections.
  - (19) Blocks shall be wide enough to allow for two (2) tiers of lots of minimum depth except where prevented by topographical conditions or size of property.
  - (20) Blocks shall not exceed twelve hundred (1,200) feet in length, and they shall not be less than three hundred (300) feet in length.
  - (21) In any residential block more than eight hundred (800) feet in length, a cross walkway of not less than ten (10) feet in width may be required where necessary to provide convenient access to schools, playgrounds, shopping centers, and other community facilities.
  - (22) The lot arrangement, design, and orientation, shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.
  - (23) Excessive lot depth in relation to lot width shall be avoided. A ratio of depth to width of two to one shall be considered a desirable maximum.
  - (24) Double frontage and reverse frontage lots shall be avoided, except where their use is essential to overcoming special topographic problems or to separating residential development from heavy street traffic.
  - (25) Residential lots fronting or abutting on major thoroughfares shall desirably have extra lot depths and deeper building setbacks.
  - (26) Arrangement of lots shall be at right angles to street lines if possible or radial to curved street lines.
  - (27) Each lot shall front on a public street or on a street connected to a public street.
  - (28) The size and shape of residential lots shall be as the planning commission deems appropriate for the type of building development contemplated; provided, however, that size, width, and area shall in no case be less than that specified for the location in any zoning regulations. No land shall be subdivided for residential purposes if the Town planning commission, in the exercise of its considered judgment, after hearing all proper evidence, shall deem same unsuitable for such purposes.
  - (29) Where a proposed subdivision is traversed by any stream, water course, or drainage-way, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, water courses, and drainage-ways.
  - (30) If neither a sewer nor a water connection is provided, the lot shall contain at least fifteen thousand (15,000) square feet and the installation of a water system and a sewage disposal method shall be approved by the County health officer. If either a sewer or a water connection, but not both, is

- provided, the lot shall contain at least five thousand (5,000) square feet.
- (31) In case a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical further subdivision.
  - (32) Due consideration shall be given all subdividers and by the planning commission to sites for schools and other public use.
  - (33) Except where alleys are required, the planning commission may require easements up to ten (10) feet in width for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains, and other public utilities along all rear lot lines and side lot lines. Easements may be a greater width for the extension of existing or planned utilities.
  - (34) Where the proposed subdivision includes lands proposed for use as parks, playgrounds, playfields, or school sites under any comprehensive plan, the subdivider shall indicate the location of such lands on the subdivision plat and shall either dedicate such lands or shall reserve the right of purchase of such lands by the appropriate jurisdiction for the time period specified herein. Should the reserved lands not be purchased by the appropriate jurisdiction within the specified time limit, the subdivider shall be free to market such lands for an alternate purpose as specified on the approved subdivision plat.
  - (35) Park, playground, and playfield sites shall be reserved for a period of two (2) years from the date of recording the subdivision, and school sites shall be reserved for four (4) years from such date. The reservation shall give the appropriate agency the right to purchase such land at the appraised raw land value plus one-half of the cost of surface improvements on any streets that are contiguous to the site.
  - (36) Where essential by the planning commission upon consideration of the type of development proposed in the subdivision, the subdivider may be required to dedicate other areas or sites of a character, extent, and location suitable to meeting the needs of such development. In lieu of dedication such additional areas, they may be reserved for the common use of all property owners in the proposed subdivision through deed restrictions.
  - (37) Land subject to flooding and land deemed to be unsuitable shall not be platted for residential occupancy, nor for such uses as may increase danger of health, life, or property, or aggregate erosion or flood hazard. Such lands within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.
  - (38) A boundary traverse shall be run and all other surveyed dimensions shown on the plat shall be to an accuracy of one (1) part to five thousand (5,000).

Improvements required in subdivisions lying within any territory to which the subdivision ordinance applies as a condition for approval of the final plat by the planning commission which includes any streets, any easements, extension of sewer or water systems, or right of way connection to public streets:

- (1) Plans, profiles, and specifications for required improvements shall be prepared by the subdivider and submitted for approval to the appropriate public authorities prior to construction. Plans and profiles shall be drawn to a horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one (1) inch to twenty (20) feet or less, unless the engineer shall specify otherwise, and such plans and profiles shall be sufficiently detailed to show the proposed location, size, type, grade, and general design features of each proposed improvement.
- (2) All grading and surfacing shall be done, and sanitary sewers, water mains, and all other items pertaining to the development of any street or alley shall be installed in accordance with the standards and specifications adopted by the Council.
- (3) Streets must be graded to the cross section and profile approved by the planning commission. Curbs and gutters, or stabilized ditches or other types of gutters approved by the planning commission shall be provided in all subdivisions where the average lot area is less than one (1) acre. Stabilized ditches shall mean grassed ditches unless the slope is more than six (6%) percent in which case the ditch must be lined with erosion preventive materials as approved by the planning commission. Permanent paving of all streets shall be done in compliance with the requirements of Virginia Department of Highways and Transportation. The entire cost thereof shall be borne by the subdivider.
- (4) A drainage system shall be provided to insure adequate drainage of both natural and storm water where a drainage problem exists or will be created by the subdivision and/or development of land. The system shall be constructed and installed in accordance with plans and specifications approved by the planning commission.
- (5) Street trees and other landscaping improvements shall be considered as a desirable part of street improvements in the subdivision. If the subdivider proposed to install such trees and landscaping, the proposed location and the species of the plant material to be used shall be subject to the approval of the planning commission. The entire cost thereof shall be borne by the subdivider.
- (6) Street signs of a design approved by the planning commission shall be installed at all intersections. The entire cost thereof shall be borne by the subdivider.
- (7) Every subdivision with lots of such size as to require a public water supply under the regulations of the Virginia Department of Health shall be provided with a community water supply and distribution system for the subdivision shall meet the standards for such system and shall become a part thereof without cost to the county or municipality, or it may be an independent source

- of supply approved by the health officer, in which case some acceptable arrangement shall be made for its ownership and operation by a non-profit water association.
- (8) Every subdivision with lots of such size as to require a public sewer system under the regulations of the Virginia Department of Health shall be provided with a community sanitary sewer system connected to a county or municipal system or to an adequate community sewage disposal plant meeting the requirements of the Virginia Department of Health. If connected to a county or municipal system, sewers shall be constructed to meet the standards and requirements of such system and shall become a part thereof without cost to the county or municipality. If built as an independent system, some acceptable arrangement for ownership and operation by a non-profit sewer association shall be made.
- a. Where a public sewage system will not be available, private on-site means of sewage disposal meeting the requirements of the health officer may require the installation and capping of sanitary sewer mains and house connections if his evaluation shall indicate that public sewer service will be necessary in the future to protect public health.
  - b. The minimum diameter of any sewer pipe main shall be eight (8) inches and any lateral six (6) inches. Storm sewers shall not be connected to sanitary sewers.
  - c. The minimum diameter of any water pipe main shall be six (6) inches when in the fire flow system and any lateral one (1) inch. Water mains can be of lesser size as approved by the Town of Jonesville.
- (9) All physical improvements required by the provisions of this chapter for the subdivision as platted required to be installed by the subdivider shall be installed at his expense, and pending the actual installation the subdivider shall execute and file with the Town Clerk, prior to final approval of the plat, an agreement and bonds (a 100% Performance Bond and a 100% Payment Bond) in an amount determined by the planning commission equal to the approximate total costs of such improvements shall will be properly and satisfactorily installed prior to or in no case later than, the time that such improvements are needed to serve buildings placed on abutting lots, however, that in lieu of such bonds the subdivider may place with the Town in escrow such security as may be approved by the planning commission.
- (10) All construction work on improvements required herein shall be subject to inspection and approval by the engineer, health officer, and other authorized public officials, during and upon completion of such construction work. Upon the completion of such improvement, the subdivider shall furnish the appropriate improvement as it was actually constructed.
- (11) The Final Plat of the subdivision shall not be approved by the planning commission until all required improvements shall have been satisfactorily completed and approved as being in compliance herewith; or satisfactory bond posted in lieu of such completion. No such bond shall be released until

all improvements secured by such bond shall have been completed and approved as being in compliance herewith; provided however, that a partial release may be approved for such improvements as may have been completed and approved by appropriate officials.

Section 15.10                      Variances

Where a subdivider can show that a provision of this chapter would cause an unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the planning commission a departure may be made without destroying the intent of such provision, the planning commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the planning commission and the reason on which the departure was justified set forth. And where a single lot or parcel of land is to be subdivided into only three (3) parcels, any or all of the requirements of this chapter may, in the discretion of the planning commission be waived. No such variance may be granted by this ordinance which is opposed in writing by the county or highway engineer or health official.

Section 15.11                      Changes and Amendments

- a) The Town Council may, from time to time, amend, supplement, or change, by ordinance, the regulations herein established. Any such amendment or change may be initiated by resolution of the Town Council or by motion of the planning commission. Before taking action on any proposed amendment or change, the Town Council shall submit the same to the planning commission for its recommendations and report. Failure of the planning commission to report within sixty (60) days after its first meeting subsequent to the proposal being referred shall be deemed approval by the planning commission.
- b) The planning commission shall hold a public hearing on any proposed amendment or change before submitting its report to the Town Council. Notice of such public hearing before the planning commission shall be given at least fifteen (15) days prior to the hearing by publishing the time, the place, and the nature of the hearing in a newspaper having general circulation in the Town. The published notice shall contain reference to the place or places within the Town where the full text of the proposed amendment or change may be examined.
- c) Before approving any amendment or change, the Town Council shall hold a public hearing thereon, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

Section 15.12                      Where Certified Copies of Chapter to be Filed

A certified copy of this chapter and all amendments thereto, shall be filed in the office of the Mayor, and in the office of the clerk of the circuit court of the county.

Section 15.13                      Penalty for Violations of Chapter and Enforcement Proceedings

- a) Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not less than ten (\$10.00) dollars and not more than one hundred (\$100.00) dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided and each day after the first during which violation shall continue, shall constitute a separate violation.
- b) In case of any violation or attempted violation of the provisions of this chapter, the planning commission may institute any appropriate proceedings or action to prevent such violation or attempted violation or to prevent any act which would constitute such violation.

Section 15.14                      Separability

Should any article, section, subsection, or provision of the subdivision regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the subdivision regulations as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

Section 15.15                      Effective Date 01/01/1977

This ordinance shall be effective on and after 12:01 a. m, on the first day of January, 1977.

## CHAPTER 16

### TAXIS

Section 16.1	Permit Required
Section 16.2	License Tax
Section 16.3	Number of Taxis
Section 16.4	Penalty for Violation
Section 16.5	Taxi Parking

Section 16.1 Permit Required

No person, firm, association, or corporation shall operate in the Town of Jonesville any taxi cab or other motor vehicle for the transportation of passengers for a consideration unless and until said person, firm, association, or corporation has first obtained a permit to do so from the Council of the Town and have further paid the license fee as hereinafter imposed.

Section 16.2 License Tax

Every person, firm, association, or corporation who or which intends to operate in the Town of Jonesville any taxi cab or other motor vehicle for the transportation of passengers for consideration shall pay a license tax in the sum of fifty (\$50.00) dollars for each calendar year. The license tax shall be upon each such motor vehicle so operated and shall be due and payable on the first day of each January for the calendar year. In the event operation is commenced between January first and June thirtieth, then the license tax shall for the entire year shall be payable upon the commencement of business. In the event business is commenced between July first and December thirty-first, then only one-half of the amount of said yearly license tax will be assessable. In the event business is commenced between January first and June thirtieth, but is terminated during said period, a rebate of one-half of the license tax will be made.

Section 16.3 Number of Taxis

No more than seven (7) taxis or motor vehicles for transportation of passengers for fare in the Town of Jonesville shall be permitted at any one time.

Section 16.4 Penalty for Violation

Any person, firm, association, or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof be fined not more than one hundred (\$100.00) dollars for the first offense and not more than five hundred (\$500.00) dollars for each subsequent offense. Each day any person, firm, association, or corporation operates a vehicle in violation of said ordinance shall constitute a separate offense.

Section 16.5 Taxi Parking

All taxi parking permits will be ten (\$10.00) dollars per month per automobile at designated areas. (6/14/87)



## CHAPTER 17

### UTILITIES

Section 17.1	General
Section 17.2	Electricity Franchise
Section 17.3	Telephone Franchise
Section 17.4	T.V. Cable Franchise

Section 17.1                      General

No individual, partnership, or corporation who has not been granted franchise privileges by the Town Council, shall make a telephone, telegraph, electric power, water, or any other utility connection by which to furnish telephone service, telegraph service, electric power service, water service, or any other utility service to any new dwelling, new building, or any other new structure of any type or character, owned by any individual, partnership, or corporation and located within the corporate limits of the Town, unless a permit shall first have been obtained from the Town Council to make such connection.

Any individual, partnership, or corporation who violates the terms and conditions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars.

Section 17.2                      Electricity Franchise

- 1) That the purchaser or grantee of this franchise, Old Dominion Power Company, Inc., of Norton, Virginia, its legal representatives, successors, and assigns, be and is subject to the conditions hereinafter contained, hereby authorized and empowered to acquire, purchase, construct, maintain, and operate in and throughout the Town of Jonesville, Virginia, a system or works for the generation, distribution, and transmission of electrical energy from points either within or without the corporate limits of said Town, to said Town and the inhabitants thereof, and from and through said municipality to persons, corporations, and municipalities beyond the limits thereof, and for the sale of same for light, heat, power, and other purposes; and to erect and maintain poles, wires, and other apparatus necessary or convenient for the operation of said system in, upon, across, and along each and all the streets, avenues, alleys, and public places in said Town; to have and to hold, as by law authorized any and all real estate, easements, water, and other rights necessary and convenient for said purposes; to use within the present and future corporate limits of said Town any and all streets, avenues, alleys, and public places as the same are now or may hereafter be laid out, while constructing or operating said electric light system or works, and the right to cross any street in said Town for the purpose of constructing, maintaining, or extending such poles, wires, and other such apparatus as may be necessary or convenient for the proper distribution of electrical energy in and through the Town. In any extensions of the present distribution system, additional poles shall be placed under the supervision of the Town Mayor.
- 2) The purchaser of this franchise shall indemnify and save harmless the Town from any and all damages, judgments, decrees, costs, and expenses, including reasonable attorney's fee, which said Town may legally suffer or incur or which may be legally obtained against said Town for or by reason of the use and occupation of any street, avenue, alley, or other public place in said Town by the purchaser, pursuant to the terms of this franchise, or legally resulting from the

exercise of said purchaser of any of the privileges herein granted; and, if any claim shall be made or suit brought against said Town for damages, alleged to have been sustained by reason of the work, use, or occupation of any street, avenue, alley, or any other public place by said purchaser, the Town shall immediately notify the purchaser in writing thereof, and the purchaser is hereby given the right and privilege to defend or assist in defending such suit, in the name of the Town.

- 3) The purchaser of this franchise may furnish electricity for light, heat, power, or any other purpose to any person or persons residing along, upon, or near the aforesaid streets, avenues, alleys, and public places, between said purchaser and the said person or persons.
- 4) The purchaser of this franchise shall extend its electric light or power lines and install additional equipment whenever there is assured to it from additional business to be derived therefrom a reasonable return upon the investment required to install such extension.
- 5) The purchaser shall have the right to make and enforce reasonable rules and regulations necessary to the proper conduct of its business and protection of its property.
- 6) The purchaser shall have the right to charge for electrical energy supplied with the Town such rates that are reasonable and that are subject to regulations by the State Corporation Commission of Virginia.
- 7) All the rights and privileges granted by this franchise shall be for a period of twenty (20) years from and after same shall be granted to the purchaser thereof and said franchise shall be in full force and effect for the period aforesaid from and after date of said grant, subject to the provisions set out in Section 9.
- 8) The franchise may be transferred by the purchaser only as provided in the Charter of the Town of Jonesville, Virginia, and the word "purchaser" whenever used in this franchise shall include and be taken to mean and apply also to all the successors and assigns of said purchaser.
- 9) If at any time after ten (10) years from the date of the granting of this franchise the Town of Jonesville, Virginia, should have made available to it an adequate and dependable source of electric power which source of adequate and dependable electric power is not made available to the purchaser, and, as a result of the availability of such adequate and dependable electric power to the
- 10) Town of Jonesville, the State Corporation Commission of Virginia establishes the fact that the Town could acquire or construct an electric plant and distribution system and sell power at overall rates lower than those being charged by the purchaser, then in such event the Town shall have the right by proper legal notice and procedure to cancel and render null and void this franchise; provided, however, if within ninety (90) days following written notice to the then owner of this franchise of the Town's election to exercise the right of cancellation, the owner agrees to put into effect overall rates equivalent to those to be charged by the Town, then the Town shall not have the right to cancel the franchise.
- 11) Nothing in the franchise shall in any way prevent the Town of Jonesville, Virginia, from offering for sale other franchises for the generation or distribution of electric current in the Town of Jonesville, Virginia, for all purposes during the term of this

franchise.

Section 17.3 Telephone Franchise

Be it ordained by the Council of the Town of Jonesville, Virginia, that the Chesapeake and Potomac Telephone Company of Virginia, its successors and assigns, for a period of thirty (30) years be and is hereby authorized and empowered to construct, maintain, and operate its posts, poles, conduits, manholes, ducts, cables, wires, and all other necessary overhead and underground apparatus on, over, along, in, under, and through the streets, avenues, alleys, and other public places within the limits of the Town of Jonesville, in the County of Lee, and the State of Virginia; and to use the property of other companies and permit other companies to use its property upon such arrangements as the two companies any agree; provided:

- 1) That all poles erected by said company shall be neat and symmetrical, and shall be so located as in no way to interfere with the safety or conveniences of persons traveling on or over the said streets, alleys, highways, and other public places; and in the installation and maintenance of its underground system, said company shall not open or encumber more of any street, alley, highway, or other public place than will be necessary to enable it to perform the work with proper economy and efficiency.
- 2) That the erection of the poles and construction of conduit, under the provisions of this ordinance, shall be subject to the supervision of the Chair of the Street Committee or some other representatives appointed by said Council, and said company shall replace and properly relay any sidewalk or street pavement which may have been displaced or damaged by it in the construction and maintenance of its system.
- 3) That space on one (1) cross-arm of the poles erected or in one (1) duct of the conduits constructed, under the provisions of this ordinance, shall be reserved, free of charge, for the purpose of carrying wires of any fire alarm or police telegraph system owned and maintained by said Town, provided the said wires are paced and maintained in such a manner as may be prescribed by the said company, and in no case used to carry electric light or high-tension currents.
- 4) That the said company shall maintain its lines in good and safe order and condition; and shall at all times fully indemnify, protect, and save harmless the said Town from and against all claims arising from the erection, construction, and negligent maintenance of its said lines.
- 5) That nothing in this ordinance shall be construed to grant unto the said company any exclusive right or to prevent a grant of similar privileges to other companies.

Section 17.4 T.V. Cable Franchise

Franchise awarded to C. C. % S. Cable Company. A charge of five (\$5.00) dollars per month to each customer and a charge of ten (\$10.00) dollars hook-up fee for each customer.

The franchise charge of two (2%) percent to be effective January 1, 1973.

## CHAPTER 18

### WATER

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Section 18.1                      Supervision of Waterworks

The Mayor of the Town and his department heads, shall have direct charge of the water works system, including the pumping stations, filter plants, reservoirs, meter repair department, distribution system, and all such construction work as may be necessary. The Mayor's office shall be accountable for all the expenditures and receipts of the water works. The Mayor's office, at the end of each year, shall render to the Town Council, an annual report, setting forth in detail the operations of the water works for the year.

Section 18.2                      Purchase of Materials

The Mayor may purchase such materials, tools, and supplies as may be needed for the operation of the water works.

Section 18.3                      Right of Entry of Town Employees

Any owner or occupant of any lot or tenement in which the Town has introduced, shall permit the Mayor or any authorized employee of the Town, to enter such lot or tenement at reasonable hours and under reasonable conditions, to inspect the work therein, and in case of refusal to allow such inspection, the water shall be cut off from such premises. No water shall be supplied to any user except that metered through authorized Town meters.

Section 18.4                      Conditions on which Water Supplied

The supply of water to any person, persons or business, shall be on condition of said person, persons, or business, agreeing to comply with all the sections of this ordinance and to pay for water at the rates then existing, and at such other rates as may be subsequently put into effect.

Section 18.5                      Water Line Extensions for Commercial and Industrial Use

Applicants for water line extension for commercial and industrial use shall be referred to the Council and will be considered by the Council upon the merits of the individual case and determined upon estimated quantities of water to be furnished.

Section 18.6                      Tampering with Equipment

No person shall be permitted to tamper with any valve, hydrant, pump, motor chlorinator, reservoir, curb cock, or meter, or any piece of equipment of the water works wherever situated. It shall be unlawful for anyone to damage or deface any waterworks property, cut any trees or shrubbery, or dump any refuse or rubbish upon any part of the waterworks property. It shall be unlawful for anyone except an authorized employee of the Town, to climb upon any elevated tank, standpipe, or other structure of the

waterworks.

Section 18.7 Use of Fire Hydrants

No person, except an authorized employee of the Town or of the Volunteer Fire Department, while in the performance of their duties, shall use water from any fire hydrant, and under no circumstances shall any person be permitted to operate a fire hydrant without a suitable wrench approved by the waterworks department.

Section 18.8 Private Hydrant Prohibited

No private hydrant shall be placed upon any sidewalk, alley, or other exposed place where the water may be taken therefrom by persons not entitled to its use.

Section 18.9 Unauthorized Turning of Water

If any person except an authorized employee of the waterworks, in the performance of his duty, and except as otherwise may be provided in this ordinance, shall introduce into any lot or tenement, water from the Town pipes, or shall install any corporation cock or any fixture upon any of the pipes without the written consent of the Mayor's office, he shall be subject to a fine of not less than ten (\$10.00) dollars.

Section 18.10 Use of Stopcock at Meter by Unauthorized Persons Generally

Subject to Section 11, only authorized employees of the Town shall use the stopcock at the meter. The fact that the water has been turned off or on at such stopcock, without the consent of the Mayor's office, shall be prima facie evidence of the violation of this section and the property owner shall be subject to the penalties provided in this ordinance unless he can show innocence of such violation. The water department further reserves the right in such cases to remove the meter and refuse to furnish water to such owner until all penalties have been paid.

Section 18.11 Closing Stopcock by Recognized Plumbers

Persons in the general plumbing business may use the stopcock at the meter to stop the flow of water in extreme emergencies such as a broken water pipe.

Section 18.12 Installation of Meters

All meters shall be located at a convenient place between the curb line and the property line or at any other agreed place upon the premises mutually agreed upon between the owner and Town authorities. All service connection pipes, from dwelling to water meter must be submerged below the surface at depth of at least eighteen (18) inches. All service pipes, with the exception of fire service pipes must be equipped with meters. The size of such meters shall be determined by the Town authorities. Meters wherever located, shall remain the property of the Town and it shall be authorized to

remove same at its discretion.

Section 18.13                      Water Supply

No meter shall be installed to serve more than one dwelling house. In the case of an apartment house or business house having more than one tenant, one meter may be permitted to service all the apartment house or business house, though separate meters shall be installed in the property line if the owner so desires. Each owner of a business house or an apartment house must decide and advise the Mayor's office of the number of meters he decides to use. If an owner of an apartment house or business house decides to change and add additional meters for individual tenants, the installation of said meters will be considered connections, and a connection charge shall be made for each new connection in accordance with this ordinance.

(Amended 3/20/89) Any owner of a building which houses more than one customer will not be permitted to have only one master meter serving all the building's customers. Instead each customer in the building will have an individual meter. An exception to this can be made if the landowner will accept responsibility for paying the entire water bill for the building.

Section 18.14                      Damage to Meter by Hot Water

- 1) If, on removing any meter for repairs, it has been found that such meter has, in the judgment of the Mayor, been damaged by the passing of hot water through it, the costs of such necessary repairs to the meter shall be added to the water bill of the owner of the property served and shall be treated as a part of such bill.
- 2) If, in any particular case, it is evident to the Mayor, that such damage will frequently recur, the property shall be required to install a check valve or other suitable means of protection of the meter as the Mayor may direct, within ten (10) days after receiving written notice from the Mayor's office to do so. On failure to comply with such notice, the water shall be cut off from the premises.

Section 18.15                      Procedure for Cutting Off Water for Convenience of the Property Owner

Should any property owner desire the water cut off at the meter for his convenience, the Town employees shall make such cutoff and turn the water on again at the request of the property owner. A fee of five (\$5.00) dollars shall be charged for this service, which fee shall be added to the regular water bill.

Section 18.16                      Water Taps

No person shall be permitted to make any taps or otherwise connect to the distribution system of the water system except duly authorized employees of the Town.

Section 18.17                      Water Taps-Charges

The following charges shall be made for water taps or connections:

- 1) Water connections or taps within the limits of the Town of Jonesville shall be made for a fee of one hundred (\$100.00) dollars plus the actual costs of construction of such connections, including the cost of the water meters. (Amended 1/1/92)-Fee is two hundred fifty (\$250.00) dollars plus costs. (Amended 3/13/01)-Fee is three hundred (\$300.00) dollars plus costs.
  - a. Water connections or taps outside the limits of the Town of Jonesville shall be made for a fee of one hundred fifty (\$150.00) dollars plus the actual costs of construction of such connections, including the cost of the water meters. (Amended 3/13/01)-Fee is four hundred (\$400.00) dollars plus costs.
- 2) Water connections to customers located outside the limits of the Town of Jonesville shall be made at the option of the Town Council; if the said Council is satisfied that such new taps are economically feasible.

Section 18.18 When Water Connection Required

Every person owning a house, business house, or lot in Town abutting or adjoining a street or alley along which there runs a Town water line, shall connect with such water line provided he can make the water connection within three hundred (300) feet. No persons shall be required to cross the private property of any other person to make such connection.

Section 18.19 How Application for Connection Made

Any person desiring to connect with the Town water line shall make an application to the Mayor of the Town at the Mayor's office. Such application shall set forth the name of the applicant and the location and the description of the property for which connection is desired. It shall be the duty of the property owner to lay down the pipe conveying the water from the meter into and upon the premises.

Section 18.20 Water Rates

There shall be a minimum charge of seven (\$7.00) dollars on each water meter per month, in corporate limits; and nine (\$9.00) dollars per month outside corporate limits, which will entitle the person or firm which the meter serves, fifteen hundred (1,500) gallons of water per month as shown by the following scale:

In Corporate Limits:	
Minimum Charge.....	\$7.00
Amended 11/1/90.....	\$8.00
First 1,500 Gallons.....	\$7.00
Amended 11/1/90.....	\$8.00
All Over 1,500 Gallons.....	\$0.25 per hundred gallons
Amended 11/1/90.....	\$0.35 per hundred gallons

Outside of Corporate Limits:

Minimum Charge.....	\$ 9.00
Amended 11/1/90.....	\$10.00
First 1,500 Gallons.....	\$ 9.00
Amended 11/1/90.....	\$10.00
All Over 1,500 Gallons.....	\$ 0.35 per hundred gallons
Amended 11/1/90.....	\$ 0.45 per hundred gallons

Water Deposits for Renters:

The amount of water deposit is \$50.00 for renters. If full payment of deposit cannot be made before water is turned on, the first \$25.00 is required to be paid and the remaining balance of \$25.00 is to be paid the following month. (11/10/87)

Amended 10/2/99: The amount of water deposit is \$75.00 for renters.

Amended 9/14/04: The water deposit for renters shall be one (\$100.00) dollars.

Woodway Water Authority Rates:

Increase in rates from &1.09 to \$1.25 per thousand (1,000) gallons as of 12/1/90.

Water tap fee increased to \$250.00, effective 1/1/92.

Water Rates Amendment as of June 10, 1997:

In Corporate Limits

Minimum Charge.....	\$9.50
First 1,500 Gallons.....	\$9.50
All Over 1,500 Gallons.....	\$0.45 per hundred gallons

Outside Corporate Limits:

Minimum Charge.....	\$11.50
First 1,500 Gallons.....	\$11.50
All Over 1,500 Gallons.....	\$0.55 per hundred gallons

Woodway Water Authority:

Increase from \$1.25 to \$1.40 per thousand (1,000) gallons as of June 10, 1997.

Water Rates Amendment as of June 7, 2001:

In Corporate Limits:

Base rate for 1,500 gallons.....	\$ 10.00
For each additional 100 gallons.....	\$ 0.65 per hundred gallons

Outside of Corporate Limits:

Base rate for 1,500 gallons.....	\$ 17.50
For each additional 100 gallons.....	\$ 0.80 per hundred gallons

Tank fee of \$3.00 for each water customer including in and out of corporate limits, effective 6/7/01 and will go into effect as of 8/1/01 billing for July 2001 fiscal year.

Amended 1/14/04: Water rates for wholesale water purchasers shall be \$1.56 per thousand gallons of water.

Section 18.21 Fraternal Halls and Church Buildings

Excluding parsonages, fraternal halls and Church buildings shall pay a minimum charge of \$1.25 on each water meter which will entitle such meter user five hundred (500) gallons of water per month. All amounts of water over five hundred (500) gallons per month shall be charged in accordance with the progressive charge scale as set out in Section 20, commencing with eight (\$8.00) dollars per thousand (1,000).

Section 18.22 Failure to Pay Water Statement

All water bills must be paid by the last day of the month in which they are received. If payment is not received by that date, then water services will be disconnected and a re-connect fee of fifteen (\$15.00) dollars will be added to the bill. No second notice will be given. Payment must be made in full before services can be resumed. The following will be stamped on water bills: Notice-Bill must be paid by the last day of the month in which you receive bill or service will be disconnected.

Amended 8/14/90: All water bills must be paid by the tenth (10<sup>th</sup>) day of the following month in which they are received. If payment is not received by that date a warning will be given on the eleventh (11<sup>th</sup>) and if not paid, water will be disconnected on the fifteenth (15<sup>th</sup>); no exceptions. A re-connect fee of thirty (\$30.00) dollars will be added to the bill. Payment must be made in full before service can be resumed. No further notice will be given.

Amended 1/12/93: All water bills must be paid by the fifteenth (15<sup>th</sup>) day of the month in which it was received. If payment is not received by that date, a warning will be given on the sixteenth (16<sup>th</sup>) and if not paid water will be disconnected on the twenty-fifth (25<sup>th</sup>). The reconnect fee will remain at thirty (\$30.00) dollars, which will be added to the bill. Payment must be made in full before service can be resumed, no further notice will be given.

Amended 7/13/93 to become effective 8/1/93: A ten (10%) penalty will be added to all unpaid water bills after the fifteenth (15<sup>th</sup>) of the month in which due.

Section 18.23 Other Water Sources-Prohibited

No water supply to furnish human dwelling or business houses shall be used where the approved water source of the Town is available. It shall be unlawful for any person, firm, or corporation acting individually or in concert with any other person to sell, make available, or aid in making available any source of water within the Town other than the Town owned and publicly approved water supply.

Section 18.24 Penalty for Violation of Water Ordinance

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than one hundred (\$100.00) dollars, nor more than five hundred (\$500.00) dollars, and in addition thereto shall be liable for all damages and costs accruing from such violation and conviction.

Section 18.25 Water Conservation and Water Supply Emergency Ordinance

Section 18.25.1 Water Supply Emergency

Should the Town Council find that a water supply emergency exists; the following uses of water shall apply:

- 1) Upon declaration of the emergency, all car washing, watering of lawns, gardens, etc., building or window washing, and swimming pool operation will be ceased immediately. Violations of this provision will be a class II misdemeanor punishable by confinement in jail for not more than six (6) months and a fine of not more than five hundred (\$500.00) dollars, either or both.
- 2) Upon declaration of the emergency, an immediate surcharge will be placed on all water consumption during the state of emergency of two (2) times the normal rate in effect. The Town Council will see that all meters are read as soon as possible after the declaration of emergency and after the emergency is over to provide water consumption figures for use in billing.
- 3) Water provided to all wholesale users will be reduced twenty (20%) percent. Violation of this provision will cause the minimum contract amount to be imposed.
- 4) When the amount of water production reaches a rate of two hundred fifty (250) gallons per minute supply, the following additional limitations are imposed; and each affected person/business will be notified by certified mail:
  - a) Food Outlets and Restaurants-Hours of operation are limited to eight (8) hours per day and a maximum of forty (40) hours per week. Plan of operation hours will be filed with the Town office to allow checks on operation.
  - b) Schools, Hospitals, and Nursing Homes-Required to use all disposable paper goods possible in preparation and serving of all meals. Notice to the Town office as pertains to plan of action taken.
  - c) Beauty Shops, Barber Shops, Health Spas, Laundries, and Pet Shops-Hours of operation limited to thirty two (32) hours per week maximum. Plan of operation hours will be filed with the Town office to allow checks upon operation.
  - d) Upon receipt of the notification by certified mail, the plan of action described above must be filed within forty eight (48) hours. Violators of plan filing deadline will be closed immediately until plan is submitted. Violations of submitted plan of file will be guilty of a Class I misdemeanor punishable by confinement in jail for not more than twelve (12) months and a fine of not more than one thousand

- (\$1,000.00) dollars, either or both.
- e) Water provided to all wholesale users will be cut by twenty five (25%) percent. Violation of this provision will cause the minimum contract amount of water to be imposed.
- 5) When the amount of water production reaches a rate of two hundred (200) gallons per minute supply; the following additional limitations over Item 4 above are imposed, and affected businesses/persons will be notified by certified mail by the Town Council:
- a) Food Outlets and Restaurants-Hours of operation limited to four (40) hours per day or twenty (20) hours per week maximum. Plan of operation hours will be filed with the Town office to allow checks on operation.
  - b) Beauty Shops, Barber Shops, Health Spas, Laundries, and Pet Shops-Hours of operation limited to sixteen (16) hours per week maximum. Plan of operation hours will be filed with the Town office to allow checks upon operation.
  - c) Motels-Restricted to rental of fifty (50%) percent of available rooms on any given name.
  - d) Upon receipt of the notification by certified mail, the plan of action described above must be filed within forty eight (48) hours. Violators of plan filing deadline will be closed immediately until plan is submitted. Violations of submitted plan of file will be guilty of a Class I misdemeanor punishable by confinement in jail for not more than twelve (12) months and a fine of not more than one thousand (\$1,000.00) dollars, either or both.
  - e) Water provided to all wholesale users will be cut by thirty (30%) percent. Violation of this provision will cause the minimum contract amount of water to be imposed.
- 6) When the amount of water production reaches a rate of one hundred fifty (150) gallons per minute supply; all commercial and institutional customers (including schools) will be cut off, and only residential customers, multi-family dwellings, hospitals, nursing homes, and fire department uses will be allowed
- a) Water provided to wholesale users will be provided at the minimum contract amount. Violation of this provision will cause a discontinuance of water service completely.
- 7) This procedure will be utilized in reverse order as the water supply improves, and written notification will be given to each person/business affected by certified mail.
- 8) Fines received (less costs) and surcharges collected due to the use of this ordinance plan will be used to off-set the costs incurred from attempting to abate the water shortage (such as hauling water, temporary pumps, lines, etc.), with any surplus set aside in a special fund for future expansion of raw water facilities.

#### Section 18.25.2                      Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this

ordinance be and the same are hereby repealed.

Section 18.25.3                      Effective Date

This ordinance shall take effect on August 9, 1988.

**DIVISION II**

Section 18.26                      Definitions

- 1) Air Gap Separation-The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture, or other device and the rim of the receptacle.
- 2) Auxiliary Water System-Any water system on or available to the premises other than the water works. These auxiliary waters may included water from another purveyor's waterworks; or from a source such as wells, lakes or streams, or process fluids, or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the water purveyor does not have control.
- 3) Backflow-The flow of contaminants, pollutants, process fluids, used water, untreated water, chemicals, gases, and non-potable waters into any part of a waterworks.
- 4) Backflow Prevention Device-Any approved device, method, or type of construction intended to prevent backflow into a waterworks.
- 5) Consumer-The owner or person in control of any premises supplied by or in any manner connected to a waterworks.
- 6) Consumer's Water System-Any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.
- 7) Contamination-Any introduction into pure water of microorganisms, wastes, wastewater, undesirable chemicals, or gases.
- 8) Cross-Connection-Any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.
- 9) Degree of Hazard-This is a term derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.
- 10) Double Gate-Double Check Valve Assembly-An approved assembly composed of two single, independently acting check valves including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the water-tightness of each valve.
- 11) Health Hazard-Any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.
- 12) Interchangeable Connection-An arrangement or device that will allow alternate

but not simultaneous use of two sources of water.

- 13) Pollution-The presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.
- 14) Pollution Hazard-A condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.
- 15) Process Fluids-Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:
  - a) Polluted or contaminated waters;
  - b) Process waters;
  - c) Used waters originating from the waterworks which may have deteriorated in sanitary quality;
  - d) Cooling waters;
  - e) Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
  - f) Chemicals in solution or suspension; and
  - g) Oils, grease, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.
- 16) Pure Water or Potable Water-Water fit for human consumption and use which is sanitary and normally free of minerals, organic substances, and toxic agents on excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirements of the persons served.
- 17) Reduced Pressure Principle Backflow Prevention Device-A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must contain tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be of the approved type.
- 18) Service Connection-The terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
- 19) System Hazard-A condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.
- 20) Used Water-Any water supplied by a water purveyor from waterworks to a consumer's water system after it has passed through the service connection.
- 21) Water Purveyor-An individual, group of individuals, partnership, firm, association, institution, corporation, Municipal Corporation, county, or authority which supplies water to any person within this State from or by any means of any waterworks.
- 22) Waterworks-All structures and appliances used in connection with the collection,

storage, purification, and treatment of water for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in Title 62.1, Chapter 4, Section 62.1-45a, Code of Virginia 1950, as amended.

Section 18.27                      Inspections-Town

That it shall be the duty of the Town to cause inspections to be made of properties served by the waterworks where cross connection with the waterworks is deemed possible. The frequency of inspections, and re-inspections, based on potential health hazards involved, shall be established by the said Town in the Cross Connection Control and the Backflow Prevention Program and as approved by the Virginia Department of Health.

Section 18.28                      Inspections-Lee County Health Department

That the representative of the Lee County Health Department shall have the right to enter at any reasonable time properties served by a connection to the waterworks of the Town for purpose of inspecting the piping system or systems for cross connections. Upon request, the owner or the occupants of property served shall furnish to the inspection agency pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of a cross connection.

Section 18.29                      Denial of Discontinuance of Water Service

That the water purveyor may deny or discontinue the water service to a consumer if the required backflow prevention device is not installed; if it is found that the device(s) have been removed or bypassed or if a cross connection exists on the premises; or if the pressure in the waterworks is lowered below ten (10) psi gauge, the purveyor shall take positive action to insure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with the Commonwealth of Virginia Waterworks Regulations and to the satisfaction of the purveyor.

Section 18.30                      Potable Water-Protection

That the potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this Ordinance and the Town Plumbing Code. Any water outlet which could be used for potable or domestic purposes and is not supplied by the potable system must be labeled as "Water Unsafe for Drinking" in a conspicuous manner.

Section 18.31                      Plumbing Code-Supplement

That this Ordinance is a supplement to the applicable plumbing codes.

Section 18.32 Penalty for Violation

That any person or customer found guilty of violating any of the provisions of this Ordinance, or any written order of the Town of Jonesville, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten (\$10.00) dollars or more than fifty (\$50.00) dollars for each violation. Each day upon which a violation of the provisions of this act shall occur, shall be deemed a separate and additional violation for the purposes of this Ordinance.

Section 18.33 Cross-Connection and Backflow Prevention Control

The Town of Jonesville, Virginia                      Presented February 14, 1989  
Ordinance Number 18.33

An Ordinance Amending Chapter 18, Sections 18.26 through 18.32 of the Town Code Regarding Cross Connection and Backflow Prevention Control

**WHEREAS**, the Virginia Department of Health Waterworks Regulations require all water purveyors to have thorough inspections and operational tests made annually of backflow prevention devices or low pressure cut-off devices which are required and installed; and

**WHEREAS**, the existing Town Code does not establish authority for enforcement of the aforementioned regulation; and

**WHEREAS**, the responsibility for administration of the cross connection control and backflow prevention program has been assigned to the Mayor:

**THEREFORE, ORDAINED** by the Council of the Town of Jonesville in Virginia as follows:

Chapter 18, Sections 18.26 through 18.32 of the Town Code are hereby amended to read as follows:

Section 18.33 In General

This section provides for the protection of the Town's drinking water supply from possible contamination caused by back pressure or back siphonage conditions, in accordance with the regulations of the Virginia Department of Health and Virginia Uniform Statewide Code (BOCA Plumbing Code).

Section 18.33.1 Authority and Responsibilities

Section 18.33.1.1 Responsibility of the Director

The Mayor of the Town of Jonesville or his designated agent shall inspect the plumbing in every building or premises connected to a water system and operated by

the Town of Jonesville as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the Town by the plumbing. The Mayor shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises to correct, within ten (10) days, any plumbing installed or existing contrary to or in violation of this ordinance, and which in his judgment, may therefore, permit the pollution of the Town's water supply or otherwise adversely affect the public health.

#### Section 18.33.2                      Inspection

The Mayor or his designated agent shall have the right of entry into any building, during reasonable hours, for the purpose of making inspection of the plumbing system installed in such building or premises provided that with respect to the inspection of any single family dwelling, consent to such inspection shall be first obtained from a person of suitable age and discretion therein or in control thereof.

All new connections should be inspected for cross connection and the necessity of a backflow prevention device prior to connecting to the public water system, when this is not possible, the inspection will be made within thirty (30) days from date of connection. In addition to new connections, all new or existing individual/service connection booster pump stations shall be inspected and approved before being put into operation.

#### Section 18.33.1.3                      Records

Program records will be stored at the Town Hall in Jonesville, Virginia. These records will be stored for a minimum of ten (10) years and will be made available to the Virginia Department of Health for review upon request.

#### Section 18.33.2                      Implementation Plan

##### Section 18.33.2.1                      Person in Charge of Program

The Mayor of the Town of Jonesville will be the person in charge of program.

##### Section 18.33.2.2                      Records

Program records will be stored at the Town Hall in Jonesville, Virginia. These records will be stored for a minimum of ten (10) years and will be made available to the Virginia Department of Health for review upon request.

##### Section 18.33.2.3                      Person in Charge of Technical Aspect of Program

The Mayor of the Town of Jonesville will be the person in charge of technical

aspect of program.

Section 18.33.2.4 Customer Responsibilities

Customers are responsible for the maintenance and overhaul of any devices specified within the plan. The operator or his designated agent will check to ensure that all devices are overhauled within the allotted time. (see Section 18.33.2.6)

Section 18.33.2.5 Devices to be Tested by Qualified Person

Operator will be trained by testing equipment manufacturer and sent to seminars, if offered in this area.

Section 18.33.2.6 Time Schedule

Customer will be given ten (10) days to correct a problem.

Section 18.33.2.7 Public Awareness Program

Annual survey form will be enclosed with bills or sent by separate mailing.

Section 18.33.2.8 Table I for Evaluation Hazards and Devices to be Used

Section 18.33.2.9 Forms

- 1) Notice and Annual Survey Form
- 2) Initial Inspection Form
- 3) Annual Inspection Form
- 4) Table I
- 5) Backflow Prevention Device Test Form
- 6) Records of Inspection

Section 18.33.3 Definitions

- 1) Agency-The Town of Jonesville, Virginia
- 2) Airgap-The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying potable water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.
- 3) Approved-Accepted by the Town of Jonesville as meeting an applicable specification stated or cited in this ordinance or as suitable for the purpose used.
- 4) Auxiliary Water System-Any water source or system other than the potable water supply that may be available in the building or premises.
- 5) Back Pressure-Backflow caused by a pump, elevated tank, boiler, or other means that could create pressure within the system greater than the supply pressure.
- 6) Backflow-The flow of contaminants, pollutants, process fluids, used water,

untreated water, chemicals, gases, or non-potable waters into any part of the waterworks.

- 7) Backflow Preventer-A device or means to prevent backflow. All backflow prevention devices shall be approved by the Virginia Department of Health.
- 8) Backflow Preventer Reduced Pressure Zone Type (RPZ Device)-An assembly of differential valves and check valves including an automatically opened spillage port to the atmosphere.
- 9) Backsiphonage-The flowing back of used, contaminated, or polluted water from a plumbing fixture, vessel, or other source into a potable water supply pipe due to a negative pressure in such pipe.
- 10) Barometric Loop-A loop of pipe rising as least thirty-five (35) feet, at its topmost point, above the highest fixture it supplies.
- 11) Contamination-Any introduction into pure water of micro-organisms, wastes, wastewater, undesirable chemicals, or gases.
- 12) Check Valve-A self-closing device which is designed to permit the flow of fluid in one direction only and to close if there is a reversal of flow.
- 13) Cross Connection-Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system.
- 14) Director-The Mayor of the Town of Jonesville.
- 15) Double Check Valve Assembly-An approved assembly composed of two (2) internally loaded, specially designed, and independently operating check valves together with a tightly closing valve on the upstream side of the check valves equipped with properly placed female thread test cocks.
- 16) Drain-Any pipe that carries waste water or water borne wastes in a building drainage system.
- 17) Fixture, Plumbing-Installed receptacles, devices, or appliance supplied with water or that receive or discharge liquids or liquid-borne wastes.
- 18) Flood-Level Rim-The edge of the receptacle from which water overflows.
- 19) Hazard, Health-Any conditions, devices, or practices in the water supply system or its operation which create, or in the judgment of the Director or Department of Health, may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.
- 20) Hazard, Plumbing-Any arrangement of plumbing including piping and fixtures whereby a cross connection is created.
- 21) Hydropneumatic Tank-A pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.
- 22) Individual Water Supply-A supply other than an approved public water supply which serves one (1) or more families.
- 23) Inlet-The open end of the water supply pipe through which the water is discharged into the plumbing fixture.
- 24) Non-Potable Water-Water that is not safe for human consumption or that is of questionable potability.

- 25) Plumbing System-Includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste, and vent pipes; building drains and building sewers, including their respective connections, devices, and appurtenances within the property lines of the premises; and water treating or water using equipment.
- 26) Pollution-The presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
- 27) Potable Water-Water suitable for drinking.
- 28) Purveyor-The supplier of water as a matter of business, the Town of Jonesville, Virginia.
- 29) Service Connection-The joining of the waterworks to a meter consumer.
- 30) Service Line-The portion of the water line from the consumers side of the meter to the first water outlet.
- 31) Surge Tank-The receiving, non-pressure vessel forming part of the airgap separation between potable and an auxiliary water supply.
- 32) Vacuum-Any pressure less than that exerted by the atmosphere.
- 33) Vacuum Breaker, Non-Pressure Type-A vacuum breaker designed so as not to be subjected to static line pressure.
- 34) Vacuum Breaker- Pressure Type-A vacuum breaker designed to operate under conditions of static line pressure.

#### Section 18.33.4 General (Technical) Requirements

##### Section 18.33.4.1 General

A potable water supply system shall be designed, installed, and maintained in a manner as to prevent contamination from non-potable liquids, solids, or gases from being introduced into the potable water supply through cross connections or any other pipe connections to the system.

##### Section 18.33.4.2 Service Connections

Section 6.00 of the Commonwealth of Virginia Waterworks Regulations requires that an approved backflow prevention device be installed on each service line to a consumers water system serving the following facilities:

- 1) Hospitals; Mortuaries; Clinics; Nursing Homes;
- 2) Laboratories;
- 3) Piers; Docks; Waterfront Facilities;
- 4) Sewage Treatment Plants; Sewage Pumping Stations; Storm Water Pumping Stations;
- 5) Food and Beverage Processing Plants;
- 6) Metal Plating Industries;
- 7) Petroleum Processing or Storage Plants;
- 8) Radioactive Materials Processing Plants or Nuclear Reactors;
- 9) Carwashes;

- 10)Lawn Sprinkler Systems; Irrigation Systems;
- 11)Fire Service Systems;
- 12)Slaughter Houses and Poultry Processing Plants;
- 13)Farms where water is used for other than household purposes;
- 14)Other facilities specified by the Director of the Virginia Department of Health because of potential backflow or cross connection hazard.

#### Section 18.33.4.3 Cross Connection Prohibited

Cross connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the Virginia Department of Health, suitable protective devices such as the reduced pressure zone backflow preventer or equal are installed, tested, and maintained to insure proper operation on a continuing basis. Cross connections and backflow preventers are to be approved at the time of connection. Existing connections will be periodically checked.

#### Section 18.33.4.4 Interconnections

Interconnection between two or more public water supplies shall be permitted only with the approval of the water purveyor and the Virginia Department of Health.

#### Section 18.33.4.5 Fire Service Connections

Certified plans for fire service connections served by the Town of Jonesville must be submitted to the Town of Jonesville for approval prior to construction. If approved, the plans will then be submitted to the Virginia Department of Health.

#### Section 18.33.4.6 Individual Water Supplies

Cross connection between an individual water supply and a potable public water supply shall not be made unless specifically approved by the Virginia Department of Health.

#### Section 18.33.4.7 Connections to Boilers

Potable water connections to boilers shall be made through an airgap or provided with an approved backflow preventer.

#### Section 18.33.4.8 Prohibited Connections to Fixtures and Equipment

Connection to the potable water supply system for the following is prohibited unless protected against backflow in accordance with Section 33.5 or as set out herein:

- 1) Bidets;
- 2) Operating, dissection, embalming, and mortuary tables or similar equipment; in such installation the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachments;
- 3) Pumps for non-potable water, chemicals, or other substances; priming connections may be made only through an airgap;
- 4) Building drainage, sewer, or vent systems;
- 5) Hose connections to outside faucets;
- 6) Any other fixture of similar hazard.

#### Section 18.33.4.9 Refrigeration Unit Condensers and Cooling Jackets

Except where potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved airgap or RPZ (reduced pressure zone) device.

#### Section 18.33.5 Protection Against Backflow and Back-Siphonage

##### Section 18.33.5.1 Water Outlets

A potable water system shall be protected against backflow and back-siphonage by providing and maintaining at each outlet:

- a) Airgap-An airgap, as specified in Section 18.33.5.2 between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source of contamination, or;
- b) Backflow Preventer-A device or means to prevent backflow, approved airgap device, check valve, detector check valve, and pressure relief valve.

##### Section 18.33.5.2 Minimum Required Airgap

- 1) How Measured-The minimum required airgap shall be measured vertically from the lowest end of the potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.
- 2) Size-The minimum required airgap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three (3) times the effective opening away from a wall or similar vertical surface, in which cases the minimum required airgap shall be three (3) times the effective opening of the outlet. In no case shall the minimum required airgap be less than shown in Table 18.33.5.2.

**Table 18.33.5.2**

**Minimum Airgaps for Generally Used Plumbing Fixtures**

Fixture	Minimum Airgap	
	When not Affected by Near wall (a)	When affected by near wall (b)
Lavatories and other fixtures with effective openings not greater than ½ inch in diameter.	1.0	1.5
Sink, laundry trays, goose-neck bath faucets and other fixtures with effective openings not greater than ¾ inch in diameter	1.5	2.25
Over rim bath filters and other fixtures with effective openings not greater than 1 inch in diameter	2.0	3.0
Drinking water fountains-single orifice 7/16" (0.438) inch in diameter or multiple orifices having total area of 0.15 square inches (area of circle 7/16 inch diameter)	1.0	1.5
Effective openings greater than one (1) inch	(c)	(d)

(a) Sidewalls, ribs, or similar obstructions do not affect airgaps when spaced from inside edge of spout openings a distance greater than three (3) times the diameter of the effective opening for a single wall, or a distance greater than four (4) times the diameter of the effective opening for two (2) intersecting walls.

(b) Vertical walls, ribs, or other similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater airgap when spaced closer to the nearest inside edge of spout opening than specified in note (a) above. The effect of three (3) or more such vertical walls or ribs has not been determined. In such cases, the airgap shall be measured from the top of the wall.

- (c) Two (2) times the diameter of the effective opening.
- (d) Three (3) times the diameter of the effective opening.

Section 18.33.5.3 Approval of Devices

Before any device for the prevention of backflow or back-siphonage is installed, it shall have been first been approved by the Virginia Department of Health. Devices installed in a potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.

The Mayor or his designee shall inspect routinely such devices and if found to be defective or inoperative shall require the replacement thereof.

Section 18.33.5.4 Installation of Devices

- a) Vacuum Breakers-Vacuum breakers shall be installed with the critical level at least six (6) inches above the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shut-off valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessels shall be treated as the flood level rim but a check valve shall be installed on the discharge side of the vacuum breaker.
- b) Reduced Pressure Principle Backflow Preventer-A reduced pressure principle type backflow preventer may be installed subject to full static pressure.
- c) Devices of All Types-Backflow and back-siphonage preventing devices shall be accessibly located, preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

Section 18.33.5.5 Tanks and Vats-Below Rim Supply

- a) Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in Table 18.33.5.5, the overflow pipe shall be provided with an airgap as close to the tank as possible.

Table 18.33.5.5 Sizes of Overflow Pipes for Water Supply Tanks

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Maximum Capacity of Water Supply Line to Overflow Pipe Tank	Diameter of Overflow Pipe (Inches ID)	Maximum Capacity of Water Supply Line to Tank	Diameter of Water Supply Line to (Inches ID)
--	---	---	--

0-50 gpm	2	400-700 gpm	5
50-150 gpm	2 ½	700-1,000 gpm	6
100-200 gpm	3	Over 1,000 gpm	8

- b) The potable water outlet to the tank or vat shall terminate a distance not less than 1-1 ½ times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of supply to the tank or vat and with all outlets except the airgap overflow outlet closed.
- c) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

Section 18.33.5.6 Protective Devices Required

Approved devices to protect against backflow and back-siphonage shall be installed at all fixtures and equipment where backflow and/or back-siphonage may occur and where a maximum airgap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

- a) Connections Not Subject to Backpressure-Where water connection is not subject to backpressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind is given in Table 18.33.5.6, "Cross Connections Where Protective Devices are Required and Critical Level (C-L) Settings for Vacuum Breakers".

Table 18.33.5.6 Cross Connections Where Protective Devices are Required and Critical Level (C-L) Settings for Vacuum Breakers

Fixture or Equipment	Method of Installation
Aspirators and Ejectors	C-L at least six (6) inches above the flood level of the receptacle served.
Dental Units	On models without built-in vacuum breakers- C-L at least six (6) inches above flood rim of bowl.
Dishwashing Machines	C-L at least six (6) inches above flood level of machine. Install on both hot and cold water supply lines.

Flushometers (closet & urinal) supplies.	C-L at least six (6) inches above top of fixture supplies.
Garbage Can Cleaning Machine	C-L at least six (6) inches above flood level of machine. Install on both hot and cold water supply lines.
Hose Outlets	C-L at least six (6) inches above highest point on hose line.
Laundry Machines	C-L at least six (6) inches above flood level of machine. Install on both hot and cold water supply lines.
Lawn Sprinklers	C-L at least twelve (12) inches above highest sprinkler or discharge outlet.
Steam Tables	C-L at least six (6) inches above flood level.
Tanks and Vats	C-L at least six (6) inches above flood level rim line.
Trough Urinals pipe.	C-L at least thirty (30) inches above perforated flush pipe.
Flush Tanks	C-L at least thirty (30) inches above perforated flush pipe. Equip with an approved ball cock. Where ball cocks touch tank water equip with vacuum breaker at least one (1) inch above overflow outlets. Where ball cock does not touch tank water, install ball cock outlet at least two (2) inches above overflow outlet or provide vacuum breaker as specified above.
Hose Bibs (where aspirators receptacle Or ejectors could be connected)	C-L at least six (6) inches above flood level of served.

C-L (critical level) is defined as the level to which the vacuum breaker may be submerged before backflow will occur. Where C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.

- b) Connections Subject to Backpressure-Where a potable water connection is made to a line, fixture, tank, vat, pump, or other equipment with a hazard of backflow or back-siphonage where the water connection is subject to use of

an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in Table 18.33.5.6A.

Table 18.33.5.6A                    Partial List of Cross Connections which May be Subject to Backpressure

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Chemical Lines	Pumps
Dock Water Outlets	Steam Lines
Individual Water Supplies	Swimming Pools
Industrial Process Water Lines	Tanks and Vats-Bottom Inlets
Pressure Tanks	Hose Bibs

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Section 18.33.5.7                    Double Check-Double Gate Valves

The Mayor may authorize installation of approved, double check-double gate valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems which present no significant health hazard in the judgment of the Mayor.

Section 18.33.5.8                    Low Pressure Cot-Off Required on Booster Pumps

When a booster pump is used on a water pressure booster system, it shall be equipped with a low pressure cut-off that will inactivate the pump when the positive pressure of 10 psi or less occurs on the suction side of the pump.

Section 18.33.6                    Maintenance Requirements

Section 18.33.6.1                    General Requirements

It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

Section 18.33.6.2                    Backflow Preventers

Periodic testing and inspection schedules shall be established by the Mayor for all backflow preventers and the interval between testing and inspections and overhauls of each device shall be established in accordance with the age and the condition of the device. Inspection intervals should not exceed one (1) year, and overhaul intervals shall not exceed five (5) years. These devices should be inspected frequently after initial installation to assure that they have been properly installed and debris resulting from the installation has not interfered with the instructions when approved by the Mayor.

Section 18.33.7                    Violation and Penalties

Section 18.33.7.1                      Notification of Violation

In the event there is found a violation of these Rules and Regulations, then the Mayor shall notify the owner or authorized agent of the owner of the building or premises in which there is found a violation of this Ordinance of such violation. The Mayor shall set ten (10) days for the owner to have the violation removed or corrected and notify him of such unless, in the judgment of the Mayor, an imminent health hazard exists. In the event of the latter, the Mayor may immediately terminate water service to the building or premises until the violation is satisfactorily corrected. The Mayor shall notify the owner as soon as possible of such termination, but notice shall not be a condition precedent to termination of service for an imminent health hazard. In the event of a potential but no imminent health hazard, and upon failure of the owner to have the defect corrected by the end of the specified time interval established by the Mayor, the Mayor may cause the water service to the building or premises to be invoked as herein provided. Notice shall be given hereunder to the mailing address to which statements for service are forwarded.

Section 18.3.7.2                      Fines

The owner or authorized agent responsible for the maintenance of the plumbing systems in the building or premises who knowingly permits a violation to remain uncorrected after the expiration of the time set by the Mayor shall, upon conviction thereof by the Court, be guilty of a misdemeanor punishable by a fine of not less than one hundred (\$100.00) dollars and not exceeding five hundred (\$500.00) dollars or by imprisonment not exceeding thirty (30) days or by both such fines and imprisonment.

**NOTICE AND ANNUAL SURVEY FORM**

Section 6.00, Commonwealth of Virginia Waterworks Regulations, states that the water purveyor shall establish a program of cross connection and backflow prevention control consistent with the extent of the system and type of consumer served. Each waterworks owner must establish this program to prevent contamination of the potable water system.

Contamination may occur under back-siphonage or back-pressure conditions where contaminants are siphoned or forced respectively back into the potable water supply.

Back-siphonage of contaminants may occur when there is a pressure drop creating a suction or partial vacuum in the water system. This condition may occur during a line break or high usage in fire fighting situations.

Back-pressure may occur when there are pumps or boilers on the water system which produce pressure higher than water system pressures.

In the home, the following are places to be protected against backflow. Please indicate in the blank whether you have the following items connected to the public drinking water system:

- Swimming Pool \_\_\_\_\_
- Hose bib connectors where water operated aspirators are used \_\_\_\_\_
- Water Softeners or Filtering Units \_\_\_\_\_
- Frost-Proof Hydrants \_\_\_\_\_
- Lawn Sprinklers \_\_\_\_\_
- Connections to unapproved sources such as springs, \_\_\_\_\_
- Individual wells, cisterns, or etc. \_\_\_\_\_
- Photo Developing Sinks \_\_\_\_\_
- Hose Bibs at Laundry Tubs \_\_\_\_\_
- Jacuzzis \_\_\_\_\_
- Other \_\_\_\_\_

Name of Homeowner: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

For service sections, laundromats, nurseries, restaurants, and other non-industrial facilities in the community, please indicate in the blank spaces where applicable:

- Hose Bibs in Wash Pits \_\_\_\_\_
- Commercial Washing Machines and Dry Cleaning Machines \_\_\_\_\_
- Community Swimming Pools \_\_\_\_\_
- Commercial Air Conditioning Units \_\_\_\_\_
- Barber and Beauty Shops \_\_\_\_\_
- Dental Cuspidors \_\_\_\_\_
- Other Facilities Using Water \_\_\_\_\_

Hospitals and Laboratory Equipment \_\_\_\_\_  
Food Processing Equipment \_\_\_\_\_  
Fire Protection Sprinkler System \_\_\_\_\_  
Mortuary \_\_\_\_\_  
Exterminators \_\_\_\_\_

Name of Facility: \_\_\_\_\_

Address of Facility: \_\_\_\_\_

Owners Signature: \_\_\_\_\_

For industrial Facilities in the community, please indicate in the blank spaces where applicable:

Chemical and Chemical Solution Lines \_\_\_\_\_  
Compressors \_\_\_\_\_  
Cooling Water Systems and Towers \_\_\_\_\_  
Slop Sinks and Utility Hoppers \_\_\_\_\_  
Tanks and Vats \_\_\_\_\_  
Process Water Recalculating System \_\_\_\_\_  
Fire Protection Sprinkler System \_\_\_\_\_

Name of Facility: \_\_\_\_\_

Address of Facility: \_\_\_\_\_

Owners Signature: \_\_\_\_\_

**INITIAL INSPECTION FORM**

Date of Inspection: \_\_\_\_\_

Signature of Inspector: \_\_\_\_\_

User's Name: \_\_\_\_\_

User's Address: \_\_\_\_\_

User's Class: (Industry, Commercial, Educational, Residence, Apartment, etc.) \_\_\_\_\_

Responsible Individual Contacted:

Is there any type of secondary water supply within the user's property?

Possible secondary supplies:

Surface Water \_\_\_\_\_

Well Water \_\_\_\_\_

    Class I \_\_\_\_\_

    Class II \_\_\_\_\_

Recirculated \_\_\_\_\_

Other \_\_\_\_\_

    Describe \_\_\_\_\_

Is there any critical equipment within plant; I.e., furnace, compressor, boiler which must have water at all times? \_\_\_\_\_

If so, where \_\_\_\_\_

Is secondary and public water supply interconnected? \_\_\_\_\_

Cross connection by submerged inlet?

Examples:

Commercial Boilers \_\_\_\_\_

Autopsy or Mortuary Tables \_\_\_\_\_

Medical, Pathology, or Research (chemical and/or bacteriological) Laboratories \_\_\_\_\_

Plating Tanks \_\_\_\_\_

Lawn Sprinkling System \_\_\_\_\_

Photo Laboratories \_\_\_\_\_

Other \_\_\_\_\_

    Describe \_\_\_\_\_

Cross connection with piping which may contain sanitary waste or a chemical contaminant?

Examples:

Piping for Fire Protection \_\_\_\_\_

Equipment Drained to Sewer \_\_\_\_\_  
Water Softener \_\_\_\_\_  
Refrigeration System \_\_\_\_\_  
Other \_\_\_\_\_  
Describe \_\_\_\_\_

Cross connection by piping immersed in a tank or vessel?

Examples:

Heat Exchange Units:

Commercial Laundry \_\_\_\_\_

Steam Lines to Keep Storage Tanks from Freezing \_\_\_\_\_

Coils within Plating or Rinse Tanks \_\_\_\_\_

Other \_\_\_\_\_

Describe \_\_\_\_\_

Is the potable water supply within the user's premises satisfactory?

\_\_\_\_\_

Date: \_\_\_\_\_

Customer's Name: \_\_\_\_\_

Customer's Address: \_\_\_\_\_

\_\_\_\_\_

Customer's Phone Number: \_\_\_\_\_

1. Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Hazards Found: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Corrections Made: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Inspector: \_\_\_\_\_

**Table 1  
Cross Connections, Hazards, and Recommended Minimum Types of Prevention  
Devices**

Type of Connection	Degree of Hazard			Recommended Minimum Device				
	Severe	Moderate	Minor	Airgap*	For Backflow		For Back-Siphonage	
					Reduced Pressure Device	Double Check Valve Assembly	Pressure Vacuum Breaker	Atmosphere Vacuum Breaker
Direct water connection subject to backpressure from:								
Pumps, Tanks & lines handling								
Toxic substances (a)	X			X				
Non-toxic substances (b)		X			X	X		
Water connection to steam and steam boilers:								
Boiler or steam connection to non-toxic substances (a)	X			X				
Boiler or steam connection to non-toxic substances (boiler blow-off through approved gap)(b)		X		X	X	X		
Inlet water connection not subject to backpressure:								
Sewer connected to waste line	X			X				
Inlets to receptacles containing toxic substances (a)	X			X	X		X	X
Inlets to receptacles containing non-toxic substances (b)		X		X	X	X	X	X
Inlets into domestic water tanks			X	Each case should be treated separately				
Piers, docks, waterfront facilities	X			X	X			
Sewage treatment facilities	X			X	X			
Sewage pumping stations with cooled	X			X				

pumps								
Sewage pumping stations, hose bibs, storm water pumping stations	X	X	X	Each case should be treated separately				
Food and Beverage Processing Plants:								
Subject to backpressure	X	X	X	X	X			
Not subject to backpressure	X	X	X	X	X	X		
Chemical plants, dying plants:								
Toxic (a)	X			X				
Non-toxic (b)		X	X		X	X		
Metal plating industries	X		X					
Petroleum processing or storage plants	X		X					
Radioactive materials processing	X		X					
Car washes		X	X	X				
Lawn sprinkler systems, irrigation systems	X	X	X	X	X		X	
Fire services	See Section 6.04.07 of the Commonwealth of Virginia Waterworks Regulations							
Coils or jackets used at heat exchangers in compressors, etc.:								
In sewer lines	X			X	X			
In lines carrying toxic substances (a)	X			X	X			
In lines carrying non-toxic substances (b)		X		Each case should be treated separately				
Flush valve toilets	X			X	X			X
Toilet and urinal tanks		X		X				X
Trough urinals		X		X				X
Valved outlets or fixtures with hose attachments that may constitute a cross connection to:								
Toxic substances (a)	X			X	X		X	X
Non-toxic substances (b)		X		X	X	X	X	X
Re-circulating water in cooling towers	X	X	X	X				
Make-up tanks for sewage and process water containment (P.52 &53 Reg.)	X			X				
Hospitals	X			X	X			

Mortuaries	X			Each case should be treated separately				
Clinics	X			X	X			
Nursing homes	X			X	X			
Laboratories	X			X	X			
Slaughter house and poultry processing	X	X		X	X			
Farms	X	X	X	Each case should be treated separately				
Auxiliary sources (non-approved)	X	X	X	Each case should be treated separately				

For backflow and back-siphonage:

(a)-Health Hazard-Hazard which presents danger to health and well-being of water consumer.

(b)-Pollution Hazard-Hazard from aesthetically objectionable or degrading material.

\* This device must be in an above ground location and provisions made to prevent freezing.

### Backflow Prevention Device Test Form

Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

\_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Kind of Device: \_\_\_\_\_

Serial Number: \_\_\_\_\_

Date Installed: \_\_\_\_\_

Location: \_\_\_\_\_

District Sheet: \_\_\_\_\_

Service Number: \_\_\_\_\_

Meter Number: \_\_\_\_\_

Location In-Service Sketch	Device Detail Sketch

Records of Inspection

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Location: \_\_\_\_\_

Investigator: \_\_\_\_\_

Representative Met: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Water Source: \_\_\_\_\_

Hazards Found: \_\_\_\_\_

---

Corrections Made: \_\_\_\_\_

---

Corrections to be made: \_\_\_\_\_

---

\_\_\_\_\_

Recommendations made: \_\_\_\_\_

---

**Records of Inspection**

Date: \_\_\_\_\_

Place: \_\_\_\_\_

---

Location: \_\_\_\_\_

---

Investigator: \_\_\_\_\_

---

Representative Met: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Water Source: \_\_\_\_\_

Hazards Found: \_\_\_\_\_

\_\_\_\_\_

Corrections Made: \_\_\_\_\_

\_\_\_\_\_

Corrections to be made: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Recommendations made: \_\_\_\_\_

\_\_\_\_\_

## Chapter 19

### Zoning Ordinance

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## **TOWN OF JONESVILLE, VIRGINIA**

### **ZONING ORDINANCE**

Whereas, by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Sections 15.1-486 through 15.4-498, Code of Virginia and amendments thereto, the governing body of any municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape, and area as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

- (a) The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, flood plain, and other specific uses;
- (b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- (c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes

of lots based on whether a public or community water supply or sewer system is available and used; and

(d) The excavation or mining of soil or other natural resources.

**Therefore**, be it ordained by the Town Council of Jonesville, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.1-486, that the following be adopted as the zoning ordinance of Jonesville, Virginia, together with the accompanying map. This ordinance has been designed to give reasonable consideration to each of the following purposes where applicable: (a) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (b) to reduce or prevent congestion in the public streets; (c) to facilitate the creation of a convenient, attractive, and harmonious community; (d) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks and other public requirements; (e) to protect against destruction of or encroachment upon historic areas; (f) to protect against one or more of the following; overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers; (g) to encourage economic development activities that provide desirable employment and enlarge the tax base; and (h) to provide for the preservation of agricultural and forest lands.

## ARTICLE 1 – DEFINITIONS

For the purpose of this ordinance, certain words and terms are defined as follows. Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.

- 1-1 Abattoir: A commercial slaughter house.
- 1-2 Accessory Use or Structure: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.
- 1-3 Acreage: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 1-4 Administrator, The: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.
- 1-5 Agriculture: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening.
- 1-6 Alteration: Any changes in the total floor area, use, adaptability, or external appearance of an existing structure.
- 1-7 Apartment House: A building used or intended to be used as the residence of three (3) or more families living independently of each other.
- 1-8 Automobile Graveyard: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.
- 1-9 Basement: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
- 1-10 Boarding House: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.
- 1-11 Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

- 1-12 Building Accessory: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.
- 1-13 Building Height of: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or the mean height level between the eaves and ridge of a gable, hip, or *gambrel* roof. For *buildings* set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 1-14 Building Main: The principal structure or one (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.
- 1-15 Cellar: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 1-16 Commission, The: The Planning Commission of Jonesville, Virginia.
- 1-17 Dairy: A commercial establishment for the manufacture and sale of dairy products.
- 1-18 District: Districts as referred to in the State Code, Section 15.1-486.
- 1-19 Dwelling: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, automobile trailers, and mobile homes.
- 1-20 Dwelling, Multiple-Family: A structure arranged or designed to be occupied by more than one (1) family.
- 1-21 Dwelling, Two-Family: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- 1-22 Dwelling, Single-Family: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit. Excludes manufactured home as defined.
- 1-23 Dwelling Unit: One (1) or more rooms in a dwelling-designed for living or sleeping purposes, and having at least one (1) kitchen.
- 1-24 Dump Heap (Trash Pile): Any area of one hundred (100) square feet or more lying within one thousand (1000) feet of a state highway, a residence, dairy barn, or food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

- 1-25 Family: One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home, or hotel.
- 1-26 Family Care Home, Foster Home or Group Home: A residential structure established to serve mentally retarded or other developmentally disabled persons, not related by blood or marriage.
- 1-27 Frontage: The minimum width of a lot measured from one (1) side lot line lot the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined as required herein.
- 1-28 Garage, Private: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.
- 1-29 Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.
- 1-30 Golf Course: Any golf course, publicly or private owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 1-31 Golf Driving Range: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.
- 1-32 Governing Body: The Town Council of Jonesville, Virginia.
- 1-33 Guest Room: A room which is intended or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.
- 1-34 Historical Area: An area indicated on the zoning map to which the provisions of the ordinance apply for protection of a historical heritage.
- 1-35 Home Garden: A garden in a residential district for the production of vegetable, fruits, and flowers generally for use and/or consumption by the occupants of the premises.
- 1-36 Home Occupation: An occupation carried on by the occupant of a dwelling as

secondary use in connection with which there is no display and where no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering, and architectural conducted within a dwelling by the occupant.

- 1-37 Hotel: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
- 1-38 Junk Yard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.
- 1-39 Kenel: Any place in which more than three (3) dogs, more than six (6) months of age are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care, or breeding, for which any fee is charged.
- 1-40 Lot: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat or record or considered as a unit of property and described by metes and bounds.
- 1-41 Lot, Corner: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.
- 1-42 Lot, Depth of: The average horizontal distance between the front and rear lot lines.
- 1-43 Lot, Double Frontage: An interior lot having frontage on two (2) streets.
- 1-44 Lot, Interior: Any lot other than a corner lot.
- 1-45 Lot, Width: Shall mean the width of any lot at the setback line. Calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, then the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the said curve or angle setback line.
- 1-46 Lot of Record: A lot which has been recorded in the clerk's office of the circuit court.
- 1-47 Manufacturer and/or Manufacturing: The processing and/or converting of raw, unfinished materials, or product, or either of them, into articles or substances of

different character, or for use for a different purpose.

- 1-48 Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.
- 1-49 Manufactured Home Park or Subdivision: Any area designed to accommodate two (2) or more manufactured homes intended for residential use where residence is in manufactured home exclusively.
- 1-50 Motor Home: Fully self-contained unit which is built on a truck or bus chassis and designed as temporary living accommodations for recreation, camping, and travel use.
- 1-51 Nonconforming Lot: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 1-52 Nonconforming Activity: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 1-53 Nonconforming Structure: An other otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 1-54 Off-Street Parking Area: Space provided for vehicular parking outside the dedicated street right-of-way.
- 1-55 Public Water and Sewer System: A water or sewer system owned and operated by the Town of Jonesville, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

1-56 Recreational Vehicle: Vehicular-type structure designed as temporary living accommodations for recreation, camping, and travel use. There are four (4) basic types of recreational vehicles—travel trailers, motor homes, truck campers, and camping trailers.

1-57 Required Open Space: Any space required in any front, side, or rear yard.

1-58 Restaurant: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises including, among other establishments, cafes, tea rooms, confectionery shops, or refreshment stands.

1-59 Retail Stores and Shops: Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which will serve as illustration: drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop.

1-60 Setback: The minimum distance by which any building or structure must be separated from the front lot line.

1-61 Sign: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, making anything known, where such display be made on, attached to, or as a part of a structure, surface, or any other thing including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in any area is excluded from this definition.

Signs as described in this section shall be permitted by conditional use as approved by the governing body.

\*Amended 6/28/2005

1-61-1 Business: A sign which directs attention to a product, commodity, or service available on the premises.

1-61-2 Home Occupation: A sign not exceeding four (4) square feet in area directions attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

1-61-3 General Advertising: A sign which directs attention to a product, commodity, or service not necessarily available on the premises.

1-61-4 Location: A sign which directs attention to the approximate location of an establishment from which the advertised produce may be obtained.

- 1-61-5 Directional: A direction sign is one (1) (one end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called, four (4) square feet or less in the area, giving the name only of the farm or business responsible for the erection of same.
- 1-61-6 Identification: One (1) sign, not exceeding sixteen (16) feet in area, for the purpose of showing the name and use of a convent, monastery, seminary, subdivision, church, country club, sanitarium, cemetery, children's home, orphanage, fraternal organization, hospital, or other similar establishment, when such use is permitted in a residence zone as specified in this article and such sign is erected or displayed on the property as identified.
- 1-62 Sign Structure: Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.
- 1-63 Sign, Temporary: A sign applying to a seasonable or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land. Temporary signs shall conform in size and type to directional signs.
- 1-64 Store: See Item 1-59, Retail Stores and Shops.
- 1-65 Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 1-66 Story, Half: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.
- 1-67 Street, Road: A public thoroughfare which affords principal means of access to abutting property.
- 1-68 Street Line: The dividing line between a street or road right-of-way and the contiguous property.
- 1-69 Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

- 1-70 Tourist Court, Auto Court, Motel, Cabins, or Motor Lodge: One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 1-71 Tourist Home: A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contradistinction to hotels and boarding houses) and open to transients.
- 1-72 Travel Trailer: Vehicular structure mounted on wheels which are designed as temporary living accommodations for recreation, camping, and travel use. Can be easily towed by automobile or small truck and does not require special highway movement permits.
- 1-73 Truck Camper: Portable structure designed to be loaded onto or affixed to the bed or chassis of a truck. Designed to be used as temporary living accommodations for recreation, camping, and travel use.
- 1-74 Use, Accessory: A subordinate use customarily incidental to and located upon the same lot occupied by the main use.
- 1-75 Variance: A variance is a reasonable deviation from those provisions regulating the size or area of a lot or parcel of a land or the size, area, bulk, or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.
- 1-76 Wayside Stand, Roadside Stand, Wayside Market: Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- 1-77 Yard: An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- 1-77-1 Front: An open space on the same lot as a building between front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
- 1-77-2 Rear: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
- 1-77-3 Side: An open, unoccupied space on the same lot as a building between

the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

For the purpose of this ordinance, the incorporated area of Jonesville, Virginia is hereby divided into the following districts:

Residential R-1  
Commercial C-1  
Industrial M-1

## **ARTICLE 2 - RESIDENTIAL DISTRICT R-1**

### Statement of Intent

This district is composed of certain quiet, low-density areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited to a relatively low concentration; and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

### 2-1 USE REGULATIONS

In Residential District R-1, structures to be erected or land to be used shall be for one (1) or more of the following uses:

2-1-1 Agriculture.

2-1-2 Single-family dwellings.

2-1-3 Family care home, foster home, or group home.

2-1-4 Schools, public and private.

2-1-5 Churches.

2-1-6 Parks and playgrounds.

2-1-7 Home occupations.

2-1-8 Off-street parking as required by this ordinance.

2-1-9 Accessory buildings permitted as defined; however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be

closer than three (3) feet to any property line.

2-1-10 Public utilities: poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section.

2-1-11 Church bulletin boards, and church identification signs for *church activities only*.

2-1-12 Home occupation signs.

2-1-13 Real estate signs.

2-1-14 Temporary signs.

2-1-15 Government offices.

## **2-2 AREA REGULATIONS**

2-2-1 For lots containing or intended to contain a single permitted use served by public water and sewer, the minimum lot area shall be fourteen thousand (14,000) square feet.

2-2-2 For lots containing or intended to contain a single permitted use served by individual water and sewerage systems, the minimum lot area shall be twenty thousand (20,000) square feet. The required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.

## **2-3 SETBACK REGULATIONS**

Structures shall be located twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."

## **2-4 FRONTAGE REGULATIONS**

For permitted uses the minimum lot width at the setback line shall be one hundred (100) feet or more.

## **2-5 YARD REGULATIONS**

2-5-1 Side – the minimum side yard for each main structure shall be ten (10) feet.

2-5-2 Rear – Each main structure shall have a rear yard of twenty-five (25) feet.

## **2-6 HEIGHT REGULATIONS**

Building may be erected up to thirty-five (35) feet in height from grade except that:

2-6-1 The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.

2-6-2 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys,

flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

## **2-7 SPECIAL PROVISIONS FOR CORNER LOTS**

2-7-1 Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

2-7-2 The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory building.

## **ARTICLE 3 - COMMERCIAL DISTRICT C-1**

### Statement of Intent

This district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access and is characterized by constant heavy traffic, and by noise of congestion of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants, taverns, garages, and service stations, located mostly on primary highway arteries.

### **3-1 REGULATIONS**

In Commercial District C-1, structures to be erected or land to be used shall be for one (1) or more of the following uses:

3-1-1 Animal hospital or clinic with a conditional use permit.

3-1-2 Antique and gift shops.

- 3-1-3 Apartments. \*Amended 12/14/1993
- 3-1-4 Automobile or truck sales, service and repair, including body or fender repair, but not auto salvage or junk.
- 3-1-5 Bakeries.
- 3-1-6 Car wash.
- 3-1-7 Churches.
- 3-1-8 Clubs and lodges.
- 3-1-9 Drive-in restaurants and food sales.
- 3-1-10 Drug store.
- 3-1-11 Dry cleaners.
- 3-1-12 Farm supply, feed and seed stores (with storage under cover).
- 3-1-13 Financial institutions.
- 3-1-14 Funeral homes.
- 3-1-15 Furniture refinishing and repair including upholstering cabinet and furniture making.
- 3-1-16 Furniture stores.
- 3-1-17 Home appliance sales and service.
- 3-1-18 Hospitals, general \*Amended 6/28/2005 to read Hospitals general, with a conditional use permit.
- 3-1-19 Hotels, motels, and inns.
- 3-1-20 Laundries.
- 3-1-21 Laundromat with a conditional use permit.
- 3-1-22 Libraries.
- 3-1-23 Lumber and building supply (with storage under cover).

- 3-1-24 Machinery sales and service with a conditional use permit.
- 3-1-25 Office buildings including government offices.
- 3-1-26 Professional Offices \*Amended 6/28/2005 to read Professional offices with a conditional use permit
- 3-1-27 Public utilities.
- 3-1-28 Restaurants.
- 3-1-29 Retail food stores.
- 3-1-30 Service stations (with major repair under cover).
- 3-1-31 Theaters, assembly halls.
- 3-1-32 Tourist homes.
- 3-1-33 Wholesale and processing not objectionable because of dirt, noise, or odors with a conditional use permit.
- 3-1-34 Off-street parking as required by this ordinance.
- 3-1-35 Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest.
- 3-1-36 Business signs and billboard signs. \*Amended 6/28/2005
- 3-1-37 Directional signs.
- 3-1-38 Church bulletin boards and church identification signs for church activities.
- 3-1-39 Photographic studios.
- 3-1-40 Beauty salons.

## **3-2 AREA REGULATIONS**

None, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

### **3-3 SETBACK REGULATIONS**

Buildings shall be located ten (10) feet or more from any street right-of-way which is fifty (50) feet or greater in width or thirty-five (35) feet or more from the center line of any street right-of-way less than fifty (50) feet in width, except signs advertising sale or rent or premises may be erected up to the property line, This shall be known as the "setback line." Building and structures and billboard signs shall be located ten (10) feet from property lines and one additional foot of setback for each additional foot of height. \* Amended 6/28/2005

### **3-4 FRONTAGE AND YARD REQUIREMENTS**

For permitted uses, the minimum side yard or rear yard adjoining or adjacent to a residential district shall be twenty-five (25) feet.

### **3-5 HEIGHT REGULATIONS**

Buildings may be erected up to thirty-five (35) feet in height from grade except that:

3-5-1 The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.

3-5-2 Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

### **3-6 REQUIREMENTS FOR PERMITTED USES**

Before a building permit shall be issues or construction commenced on ay permitted use in this district, or a permit issued for a new use, detailed site plans in sufficient details to show the operations and processes shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for their recommendations. Modification of the plans may be required.

\*Amended 12/14/1993, Article 3, Apartments, commercial district C-1, 3-1-3, to exclude buildings with more than six units, apartment complexes and housing complexes.

July 18, 1996

Re-adoption of the Zoning Ordinance and amendments as set forth by the General Assembly of Virginia as provided in Chapter 11, Article 8, Sections 15.1-486 through 15.1498, Code of Virginia.

## **ARTICLE 4 - INDUSTRIAL LIMITED DISTRICT M-1**

### Statement of Intent

The primary purpose of this district is to permit certain industries, which do not in any way detract from residential desirability, to location in any area adjacent to residential uses. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, and or noise, and landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

### **4-1 REGULATIONS**

- 4-1-1 In Industrial Limited District M-1, any structure to be erected or land to Assembly of electrical applications, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts such as coils, condensers, transformers, and crystal holders.
- 4-1-2 Automobile assembling, paintings, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire recapping, battery or automotive parts manufacture.
- 4-1-3 Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.
- 4-1-4 Boat building.
- 4-1-5 Building material sales yards, plumbing supplies storage, lumber mills.
- 4-1-6 Cabinets, furniture, and upholstery shops.
- 4-1-7 Coal and wood yards, lumber yards.
- 4-1-8 Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.
- 4-1-9 Junk storage
- 4-1-10 Laboratories – Pharmaceutical and/or medical.  
\*Amended 6/28/2005 to read Laboratories-Pharmaceutical and/or medical with a conditional use permit.
- 4-1-11 Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas,

cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, previous or semiprecious metals or stones, shell, straw, textiles, wood, yarn, and paint.

4-1-12 Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, perfumed toilet water, toiletries and food products, and ice manufactures.

\*Amended 6/28/2005

4-1-13 Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

4-1-14 Manufacture of pottery and figurines or other similarly ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

4-1-15 Monumental stone works.

4-1-16 Petroleum and gas storage and distribution with a conditional use permit.

\*Amended 6/28/2005

4-1-17 Veterinary or dog or cat hospital, kennels.

4-1-18 Wholesale businesses, storage warehouses.

4-1-19 Off-street parking as required by this ordinance.

4-1-20 Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.

4-1-21 General advertising signs with a conditional use permit.

\*Amended 6/28/2005

4-1-22 Location signs.

4-1-23 Radio, telephone and television transmission or receiving station or tower; tower more than 100 feet in height to be granted on conditional use permit.

## **4-2 REQUIREMENTS FOR EPRMITTED USES**

4-2-1 Before a building shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations or processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning

Commission for their recommendations. Modification of the plans may be required.

4-2-2 Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards, landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.

4-2-3 Sufficient area shall be provided (a) to adequately screen permitted uses adjacent business and residential district and (b) for off-street parking of vehicles incidental to the industry, its employees, and clients.

3-2-4 The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

#### **4-3 AREA REGULATIONS**

None, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

#### **4-4 SETBACK REGULATIONS**

Buildings shall be located ten (10) feet or more from any street right-of-way which is fifty (50) feet or greater in width or thirty-five (35) feet or more from the center line of any street right-of-way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

#### **4-5 FRONTAGE AND YARD REGULATIONS**

For permitted uses, the minimum side yard adjoining or adjacent to a residential district shall be twenty-five (25) feet.

#### **4-6 HEIGHT REGULATIONS**

Buildings may be erected up to a height of thirty-five (35) feet. For buildings over

thirty-five (35) in height, approval shall be obtained from the Administrator. Chimneys, flues, flues, cooling towers, flag poles, radio or communication towers, or their accessory facilities not normally occupied by workmen excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

#### **4-7 COVERAGE REGULATIONS**

Buildings or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the lot.

#### **5-1 CONTINUATION**

5-1-1If at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure is being legally utilized in a manner or for the purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.

5-1-2If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

5-1-3If any nonconforming use (structures or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance. Intent to resume active operations shall not affect the foregoing.

5-1-4Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.

5-1-5All dwellings and their accessory structures erected prior to the enactment of this ordinance on June 22, 1989 shall be exempt as to area, setback, frontage and yard regulations if their present owners so desire.

#### **5-2 PERMITS**

5-2-1All nonconforming uses shall be issued a zoning permit and a certificate of occupancy within sixty (60) days after the adoption of this ordinance.

5-2-2The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

### **5-3 REPAIRS AND MAINTENANCE**

On any building in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **5-4 CHANGES IN DISTRICT BOUNDARIES**

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

### **5-5 EXPANSION OR ENLARGEMENT**

5-1-1A nonconforming structure to be extended or enlarged shall conform with the provision of this ordinance.

5-5-2A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

### **5-6 NONCONFORMING LOTS**

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used provided a showing of unnecessary and undue hardship would result if a variance is not granted from the Board of Zoning Appeals.

### **5-7 RESTORATION OR REPLACEMENT**

5-7-1If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire activity or structure, it shall be restored only if use complies with the requirements of this ordinance.

5-7-2 If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

5-7-3 When a nonconforming structure devoted to a nonconforming activity is destroyed or damaged less than fifty percent (50%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is stated within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

5-7-4 The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

## **ARTICLE 6 – GENERAL PROVISIONS**

### **6-1 ZONING PERMITS**

6-1-1 Buildings or structures shall be started, reconstructed or enlarged only after a zoning permit has been obtained from the Administrator.

6-1-2 The commission may request a review of the zoning permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

6-1-3 Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the Administrator. One (1) copy of the drawing shall be returned to the applicant with the permit.

### **6-2 CERTIFICATE OF OCCUPANCY**

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of occupancy has been issued by the Administrator. Such a permit shall state that the building or the proposed use, or the use of land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

### **6-3 CONDITIONAL USE PERMIT**

Where permitted by this ordinance, the location of animal hospitals, laundromat, machinery sales and services, wholesale and processing, and radio, telephone and television transmission or receiving station or tower more than 100 feet in height, will need, in addition to the zoning permit and certificate of occupancy, a conditional use permit. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance.

### **6-4 USES NOT PROVIDED FOR**

If in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission which shall make its recommendations to the Town Council, the ordinance shall be amended to list the use as a permitted use in that district, henceforth. Both the Planning Commission and Town Council shall hold a public hearing in connection with this after advertising according to Section 15.1-431, Code of Virginia.

### **6-5 MINIMUM OFF-STREET PARKING**

There shall be provided at the time of erection of any main building, or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows:

- 6-5-1 For apartments, at least one and one-fourth (1-1/4) parking space for every dwelling unit.
- 6-5-2 For car wash (self service), at least five (5) standing or parking spaces for waiting vehicles for each wash rack.
- 6-5-3 For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums, and other similar places as assembly, at least one

- (1) parking space for every five (5) fixed seats provided in said building.
- 6-5-4 For drive-in restaurants, at least one (1) parking space for each sixty (60) square feet of floor area.
- 6-5-5 For dry cleaners and laundries at least one (1) parking space for each two hundred (200) square feet of floor area.
- 6-5-6 For funeral homes, at least (1) parking space for each five (5) seats, provided that there shall be not less than twenty (20) spaces for each chapel or parlor.
- 6-5-7 For furniture and home furnishing establishment, at least one (1) parking space for each four hundred (400) square feet of floor area.
- 6-5-8 For hospitals, at least one (1) parking space for each two (2) beds' capacity, including infants' cribs and children's beds.
- 6-5-9 For industrial establishments, there shall be provided one (1) parking space for each two (2) employees computed on the basis of maximum number of individuals employed within an eight (8) hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- 6-5-10 For laundromats, at least one (1) parking space for every two (2) cleaning or laundry machines.
- 6-5-11 For libraries, art galleries, and museums, at least one (1) parking space for each five hundred (500) square feet of floor area.
- 6-5-12 For medical and dental clinics, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
- 6-5-13 For office buildings, financial institutions, clubs and lodges, at least one (1) parking space for each three hundred (300) square feet of floor area.
- 6-5-14 In all residential districts there shall be provided, either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.
- 6-5-15 For restaurants, at least one (1) parking space for each six (6) seats.
- 6-5-16 For retail stores selling directly to the public, one (1) parking space for each two hundred (200) square feet of retail floor space in the building.

6-5-17 For service stations, at least two (2) spaces for each lubrication, service, or wash bay plus one (1) parking space for each employee.

6-5-18 For tourist courts, tourist homes, lodging or rooming houses, motels, apartments, and apartment motels, at least one (1) parking space for each accommodation, individual sleeping or living unit.

6-5-19 For wholesale and processing, but not wholesale associated with retail uses, at least one (1) parking space for each one thousand (1000) square feet of floor space, or one (1) parking space for each two (2) employees, whichever is greater.

6-5-20 For bowling alleys, at least two (2) parking spaces for each alley.

6-5-21 For barber and beauty shops, at least two (2) parking spaces for each chair, plus one (1) parking for each employee.

6-5-22 Any other commercial building not listed above hereafter erected, converted, or structurally altered shall provide one (1) parking space for each one hundred (100) square feet of business floor space in the building.

6-5-23 Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as three hundred (300) feet, such distance to be measured along lines of public access to the property. Every parcel of land hereafter used as a public parking area shall be surfaced with asphalt or concrete. It shall have appropriate guards where needed as determined by the Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

## **6-6 OFF-STREET LOADING**

On the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading, and unloading services in order to avoid interference with public use of the streets and alleys.

## **6-7 ZONING OF ANNEXED AREA**

Any area annexed by the Town of Jonesville, after the affective date of this ordinance, shall immediately upon the effective date of such annexation be automatically classified at an "R-1" district until a zoning plan of said area has been adopted by the Town Council. The Planning Commission shall prepare and present a zoning plan of the annexed area within six (6) months of the Town Council.

## **6-8 LANDSCAPE FEATURES**

- 6-8-1 On any corner lot in a residential district, there shall be no planting, structure, fence, retaining wall, shrubbery, or obstruction to vision more than three (3) feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting said street lines twenty-five (25) feet from their intersection. On any corner lot in a commercial or industrial district, no building or obstruction shall be permitted between a height of one (1) foot and a height of ten (10) feet higher than the curb level within the triangle formed by the street right-of-way line and a line connecting said street lines five (5) feet from their intersection.
- 6-8-2 Trees, shrubs, flowers, or plants shall not be permitted or maintained on any required front, side, or rear yard, if they interfere with the safe use of the public street or sidewalk. Said landscape features shall be permitted in any required front, side, or rear yard, provided they do not interfere with Public safety and do not produce a hedge effect contrary to provisions of Article 6-8-1.
- 6-8-3 The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall which is not more than four (4) feet high; provided, however, that a fence or wall along the rear lot line and along the side lot line to the rear of the required setback line may be erected to a height not exceeding seven (7) feet. This provision shall not be deemed to allow any wall or fence more than three (3) feet high as defined in Article 6-8-1. Also this provision shall not be interpreted to prohibit any open mesh type fence enclosing any school or playground.

## **ARTICLE 7 – PROVISIONS FOR APPEAL**

### **7-1 BOARD OF ZONING APPEALS**

- 7-1-1 A Board consisting of no more than seven and no less than five resident of the Town (always an odd number) shall be appointed by the Circuit Court of Lee County. Members of the Board may receive such compensation as may be authorized by the Town Council. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 7-1-2 The term of office shall be for five (5) years, except that the original appointments shall be made for such terms that the term of at least one (1) member shall expire each year.
- 7-1-3 Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has a legal interest.
- 7-1-4 The Board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

### **7-2 POWERS OF THE BOARD OF ZONING APPEALS**

- 7-2-1 To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto.
- 7-2-2 To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary.
- 7-2-3 To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of provisions will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:
- 7-2-3.1 When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the

granting or such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purposes of the ordinance.

7-2-3.2 No such variance shall be authorized by the Board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and (d) that the character of the district will not be changed by the granting of the variance.

7-2-3.3 No such variance shall be authorized except after notice and hearing as required in Section 15.1-431 of the Code of Virginia, (1950), as amended.

7-2-3.4 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

7-2-3.5 In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

7-2-3.6 No provision of Section 7-2 shall be construed as granting the Board of Zoning as it may consider necessary.

#### **7-4 RULES AND REGULATIONS**

7-4-1 The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

7-4-2 The meeting of the Board shall be held at the call of its chairman or at such times as a quorum of the Board may determine.

7-4-3 The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

- 7-4-4 The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- 7-4-5 All meetings of the Board shall be open to the public.
- 7-4-6 A quorum shall be a majority of the members of the Board.
- 7-4-7 A favorable vote of the majority of the members of the Board shall be necessary to reverse any order, requirements decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

## **7-5 APPEAL TO THE BOARD OF ZONING APPEALS**

An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

## **7-6 APPEAL PROCEDURE**

- 7-6-1 Appeals shall be mailed to the Board of Zoning Appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the Planning Commission. A third copy should be mailed to the individual official, department, or agency concerned, if any.
- 7-6-2 Appeals requiring an advertised public hearing shall be accompanied by a certified check for twenty dollars (\$20.00) payable to the Treasurer, Town of Jonesville.

## **7-7 PUBLIC HEARING**

The board shall fix a reasonable time for the hearing of an application or appeals, give public notice thereof, as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of an administrative officer, or may decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or may affect any variance from the ordinance. The Board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Board and shall be public records. The chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

## **7-8 DECISION OF BOARD OF ZONING APPEALS**

7-8-1 Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the county or municipality, may present to the Lee County Circuit Court an petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision of the Board.

7-8-2 Upon presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relater's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.

7-8-3 The Board of Zoning Appeals shall not be require not return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

7-8-4 If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The

court may reverse or affirm wholly or partly, or may modify the decision brought up for review.

7-8-5 Costs shall not be allowed against the Board, unless it shall appear to the court that is acted in bad faith or with malice in making the decision appealed from.

## **ARTICLE 8 – VIOLATION AND PENALTY**

8-1 All department, officials, and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.

8-2 Any person, firm, or corporation, whether as principal, agent, employed, or otherwise, violating, causing, or permitting the violation of any of the provisions of this ordinance shall be fined up to two hundred fifty dollars (\$250.00). Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such persons, firm, or corporation, and shall be punishable as herein provided.

## **ARTICLE 9 – AMENDMENTS**

9-1 The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body, provided:

9-1-1 That a property owner may petition the governing body to have their property rezoned by submitting their request in writing with payment of twenty dollars (\$20.00) payable to the Treasurer, Town of Jonesville for advertising and administration.

9-1-2 That the Planning Commission and Town Council hold a public hearing where the parties of interest and citizens shall have an opportunity to be heard.

9-1-3 That the public hearing notice shall specify the time and place of such hearing by

publication once a week for two successive weeks in some newspaper having general circulation in the immediate area. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six (6) nor more than twenty-one (21) days after final publication.

9-1-4 That no zoning amendment can be enacted unless the Town Council has referred the proposed amendment to the Planning Commission for a report. Failure of the commission to report in ninety (90) days or such shorter period as prescribed by the Town Council shall be deemed approval.

9-1-5 That substantially the same amendment when disapproved will not be reconsidered for one year.

## **ARTICLE 10 – ADMINISTRATION AND INTERPRETATION**

10-1 This ordinance shall be enforced by the Administrator who shall be appointed by the Town Council. The Administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the Town Council.

10-2 Nothing contained herein shall require any changes in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence thirty (30) day after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further consideration shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

### **10-3 INTERPRETATION**

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid district as shown on the zoning map, the following rules shall apply:

10-3-1 Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries as the case may be.

10-3-2 Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction; and, in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

10-3-3 If no distance, angle, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In the case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

10-4 SEVERABILITY

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

10-5 CONFLICTING ORDINANCES

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

10-6 EFFECTIVE DATE

This zoning ordinance of the Town of Jonesville, Virginia, shall be effective at and after 12:01 a.m., June 22, 1989

**CHAPTER 19  
ZONING**

**TRAILERS AND MOBILE HOMES**

Section 1. No vehicle designed for occupancy or any vehicle commonly known as a “mobile home” shall be temporarily or permanently located within the corporation limits of the Town of Jonesville, except in certain duly designated trailer parks as established by the council of the Town of Jonesville. For the purpose of this section a trailer or mobile home is defined so as not to include a modular or double wide type house, which is placed on a permanent foundation and is at least 24 feet in width; and includes all such trailers or mobile homes whether used for residences or for business purposes, or for any other purposes.

Any violation of this section shall be punishable by a fine of \$50.00 per day, each day constituting a separate offense; and further that no such trailer or mobile home which is in violation of this section shall be established with water and sewer serviced from the Town of Jonesville, Virginia.