

Town of Windsor

Memorandum

April 12, 2016

TO: The Honorable Mayor and Town Council

FROM: Michael Stallings, Town Manager *MS*

SUBJECT: Town Code Update

In accordance with the Town Code update schedule, I have completed my review of sections 1-12 of the Town Code. The sections are attached with the recommended changes in red. Additions are underlined and deletions are struck through.

My recommended changes are as follows:

Section 9-1 first paragraph, add “or natural or manmade disaster” after civil disobedience to allow states of emergency to be declared for more than just civil disobedience or mobs.

Remove section 12-2 as the time may come when we have a need to have funds deposited in a bank outside of the Town of Windsor. When we were exploring the possibility of having our payroll handled by SunTrust, it required a checking account to be opened at their bank. This section of our Town Code would not have allowed that to happen.

If Council is agreeable to these changes, we need to determine if we want to adopt each section as we go, or do them collectively at the end of the process. If Council wants to do it as we go, we will need to advertise for a public hearing. We could elect to do them in batches as we progress through the process.

This is for Council’s discussion and direction.

Article I. Use and Construction; Penalties

§ 1-1. Rules of construction and definitions.

- A. In the interpretation and construction of this Code, and of all ordinances and resolutions of the Town, the following rules of construction and definitions shall be observed, unless they are inconsistent with the manifest intent of the Council or the context clearly requires otherwise:

CHARTER

The Charter of the Town of Windsor as amended from time to time.

COMPUTATION OF TIME

Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

COUNCIL

Wherever the word "Council" is used, it shall be construed to mean "the Council of the Town of Windsor."

COUNTY

Shall be construed as if the words "of Isle of Wight" followed it.

GENDER

A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

HEALTH OFFICER

The Health Director of the Isle of Wight County Health Department or his duly authorized agent.

JOINT AUTHORITY

Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority agent or representative.

MAY

The word "may" is permissive.

MONTH

A calendar month.

MUNICIPALITY

The Town of Windsor.

NUMBER

The word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

OATH

Shall be construed to include as affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

OWNER

Applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

PERSON

Individuals, associations, firms, partnerships, corporations, organizations, cooperatives, fiduciaries, trustees, and governing bodies of political subdivisions or other public boards, authorities, agencies or commissions; unless otherwise defined or inconsistent with the manifest intent of the particular section of this Code or where the context thereof would clearly require otherwise.

PRECEDING, FOLLOWING

Next before and next after, respectively.

SIDEWALK

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

STATE

Shall be construed as if the words "of Virginia" followed it.

STREET

Avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Town Council.

SWEAR, SWORN

Shall be equivalent to the words "affirm" and "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

TENANT

Applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or part of such building or land, either alone or with others.

TOWN

Shall be construed as if the words "of Windsor" followed it.

WRITTEN, IN WRITING

Shall be construed to include a representation of words, letters or figures, whether by printing or otherwise.

YEAR

A calendar year.

- B. Time. Words used in the past or present tense include the future as well as the past and present.
- C. Other words. The rules of construction given in §§ 1-13 to 1-15.1, Code of Virginia, shall govern, so far as applicable, the construction of all other words not defined in this section.

§ 1-2. Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as

any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.[1]

§ 1-3. Penalties for violations; continuing violations.

- A. Whenever in this Code or any other ordinance of the Town or any rule or regulation promulgated by any officer or agency of the Town, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:
- (1) Class 1 misdemeanor: by a fine of not more than \$2,500 or by confinement in jail for not more than 12 months, or by both such fine and confinement.
 - (2) Class 2 misdemeanor: by a fine of not more than \$1,000, or by confinement in jail for not more than six months, or by both such fine and confinement.
 - (3) Class 3 misdemeanor: by a fine of not more than \$500.
 - (4) Class 4 misdemeanor: by a fine of not more than \$250.
- B. Whenever in any provision of this Code or in any other ordinance of the Town or any rule or regulation promulgated by an officer or agency of the Town, under authority duly vested in such office or agency, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in Subsection A(1) above.
- C. Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

§ 1-4. Town Seal.

- A. The corporate Seal of the Town shall be a design within a circle not less than 1 3/4 inches in diameter with the word "Seal" therein, and around the edge thereof shall be the following inscription: "The Corporation of Windsor, Virginia."
- B. No other seal shall be used for the Town, and no paper, document or instrument issued or executed by municipal authority which requires the Seal of the Town shall be valid unless the Seal prescribed above in this section is duly affixed thereto.

Article II. Adoption of Code

§ 1-5. Authority and enactment.

Pursuant to §§ 13 and 13.1 of the Charter of the Town of Windsor, the Code of the Town of Windsor, Virginia, is hereby repealed, and §§ 1-1 through 160-89, inclusive, are amended and reenacted to read as published in The Code of the Town of Windsor dated April 15, 2004.

Chapter 7. ECONOMIC DEVELOPMENT AUTHORITY

§ 7-1. Creation.

Pursuant to the provisions of § 15.2-4903 of the Code of Virginia, the Council of the Town of Windsor, Virginia, hereby creates and establishes the Economic Development Authority of the Town of Windsor, Virginia.

§ 7-2. Public and corporate powers.

The Economic Development Authority of the Town of Windsor, Virginia shall have those Public and corporate powers as set forth in Chapter 49 of Title 15.2 of the Code of Virginia, the Industrial Development and Revenue Bond Act, as it now exists and as it may be amended in the future.

Chapter 9. EMERGENCY, STATE OF

§ 9-1. Authority of Mayor.

Whenever the Mayor, or, in the event of his inability to act, the person designated by the Town Council to act in his place, determines that an emergency exists as a result of mob action or other civil disobedience or manmade or natural diaster causing danger or injury to or damages to persons or property, he shall have the power to impose by proclamation any or all the following regulations necessary to preserve the peace and order of the Town:

- A. To impose a curfew upon all or any portion of the Town, thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided that physicians, nurses and ambulance operators performing medical service, utility personnel maintaining essential public services, firemen and Town-authorized or -requested law enforcement officers and personnel may be exempted from such curfew.
- B. To order the closing of any business establishments anywhere within the Town for the period of emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, wine, beer, gasoline or firearms.
- C. To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic for the period of the emergency.
- D. To call upon regular and auxiliary law enforcement agencies and organizations within or without the Town to assist in preserving and keeping the peace within the Town.

§ 9-2. When proclamation becomes effective.

The proclamation of emergency provided in this chapter shall become effective upon its issuance and dissemination to the public by appropriate news media.

§ 9-3. When proclamation terminates.

Any emergency proclaimed in accordance with the provisions of this chapter shall terminate after 72 hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided that such emergency may be extended by proclamation of the Mayor, or, in the event of his inability to act, the person designated by the Town Council to act in his place, for such additional periods of time as determined necessary by resolution of the Town Council.

Chapter 12. FINANCES

§ 12-1. Collection and disposition of revenue and funds.

All debts, claims, demands and obligations due the Town, all taxes, interest, penalties, forfeitures, fees, fines and costs and all other revenue from other sources shall be collected in the manner provided in this Code or other ordinance and paid into the general fund of the treasury of this Town, to be expended and appropriated as the Town Council may determine.

§ 12-2. Town depository designated; paying out Town funds.

[Amended 9-9-2003]

~~All funds and money received by the Town shall be deposited in the Farmers Bank, Windsor, Virginia, and/or Citizens National Bank, Windsor. All payments and disbursements thereof shall be made at the direction of the Town Council upon warrants signed by the Mayor and Recorder.~~