

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF CHRISTIANBURG, VIRGINIA BY REVISION AND RECODIFICATION OF ORDINANCES INCLUDING REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND SPECIFICATION OF PENALTIES FOR VIOLATIONS BY THE COUNCIL OF THE TOWN OF CHRISTIANBURG, VIRGINIA, ENTITLED THE CODE OF THE TOWN OF CHRISTIANBURG, VIRGINIA (ALSO CONSTITUTED, DESIGNATED, AND CITABLE AS THE CHRISTIANBURG TOWN CODE), PROVIDING FOR THE MANNER OF AMENDING SUCH CODE, AND PROVIDING FOR AN EFFECTIVE DATE, HERETO ADOPTED NOVEMBER 19, 2013

WHEREAS, the Council of the Town of Christiansburg, Virginia recognizes the need to periodically review the Code of the Town of Christiansburg, Virginia (also constituted, designated, and citable as the Christiansburg Town Code) for compliance with Code of Virginia, Virginia Administrative Code, and other applicable federal and state laws and regulations as well as general formatting, readability, organizational, and clarification purposes; and

WHEREAS, the last recodification of the Christiansburg Town Code was last adopted on January 5, 1993; and

WHEREAS, § 15.2-1433 of the Code of Virginia authorizes the Town to codify or recodify any or all of its ordinances in permanently bound or loose-leaf form; and

WHEREAS, notice of the Planning Commission of the Town of Christiansburg, Virginia public hearing regarding the intention of the Town Council to pass said ordinance was published two consecutive weeks (September 7, 2013 and September 14, 2013) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing of the Planning Commission was held September 23, 2013, and resulted in a recommendation by the Planning Commission that the proposed ordinance for recodification be adopted; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (September 18, 2013 and September 25, 2013 as well as October 23, 2013 and October 30, 2013) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing of Council of the Town was held October 1, 2013 and November 6, 2013; and,

WHEREAS, Council deems it proper to do so,

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Christiansburg, Virginia, that the Code of the Town of Christiansburg, Virginia (also constituted, designated, and citable as the Christiansburg Town Code), is hereby repealed and readopted in the form of the presented recodification. Said Christiansburg Town Code shall be formally printed and published by Municipal Code Corporation, consisting of chapters 1 through 42, each inclusive, and made available for public inspection at the Christiansburg Town Hall during normal business hours of the Town.

All ordinances of a general and permanent nature enacted on or before June 4, 2013 (the

date of adoption and effective date of Ord. 2013-7), and not included in the Code or recognized as continued in force by reference therein, are repealed.

The repeal provided for above shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Unless another penalty is expressly provided, whenever in this Code or any other ordinances of the Town or any rule or regulation promulgated by any officer, official or agency of the Town under the authority duly vested in such officer, official 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 punishable as follows:

- (1) *Class 1 misdemeanor:* By a fine of not more than \$2,500.00, 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 \$1,000.00, 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 \$500.00.
- (4) *Class 4 misdemeanor:* By a fine of not more than \$250.00.

Whenever in any provision of this Code or in any other ordinance of the Town or any rule or regulation promulgated by an officer, official or agency of the Town, under authority duly vested in such officer, official 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 punishable as prescribed in subsection (1).

On each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue, such shall constitute a separate offense and be punished as a class 1 misdemeanor, except where otherwise provided.

Any provision of this Code or other ordinance of the Town or rule or regulation to the contrary notwithstanding, no penalty, whether by fine or imprisonment, imposed for the violation of any provision of this Code, or other ordinance of the Town or rule or regulation shall be in excess of the penalty established for a similar offense under the laws of the Commonwealth of Virginia.

In this section 'this Code' shall also mean all provisions incorporated by reference in this Code.

No misdemeanor penalty shall be deemed to restrict in any way the right of the Town to injunctive relief.

The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.

Additions or amendments to the Code when passed in such form as to indicate the intention of the Town to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Ordinances adopted after June 4, 2013 (specifically Ordinance 2013-8 adopted and effective September 3, 2013 and Ordinance 2013-9 adopted and effective on November 19, 2013), that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Additionally, "and its appendices" shall be added after "Fire Prevention Code" in Sec. 26-128 (three occurrences), Sec. 26-129 (one occurrence), Sec. 26-131 (one occurrence), Sec. 26-133 (two occurrences), and Sec. 26-125 (two occurrences).

Additionally, Sec. 18-110 shall be reworded as follows:

Sec. 18-110. Designation of depositories.

A local bank, or local banks, or if as designated by the council within an investment program, will be the sole depositories for all money or funds of the town and all money or funds handled by the town.

Additionally, Sec. 26-89 shall be reworded as follows:

Sec. 26-89. Record and report of fires.

The fire chief shall make or cause to be made a careful record of all fires occurring in the town together with the estimated loss resulting therefrom. He shall make a report of the data so collected for the period coinciding with the fiscal year of the town and submit it in writing to the town manager ~~on or before the first day of August 1~~ within one month following the end of the fiscal year of each year.

Additionally, Sec. 26-166 shall be reworded as follows:

Pursuant to Charter, § 2.31, the town council shall appoint the chief of police and provide for the employment of such other subordinate departmental officers of police and, in addition, such other police officers as it may deem necessary. ~~All salaries shall be fixed by the council.~~ This shall not be construed to apply to special police officers appointed under section 2.31 of the Charter.

Additionally, Sec. 26-171 shall be repealed.

Additionally, Sec. 26-206(a) shall be reworded as follows:

Sec. 26-206. Alarm system user registration and permits.

(a) Every alarm user shall obtain an alarm system user permit from the town for the operation of an alarm system. If the alarm system is to be installed or maintained by an alarm company operator, the alarm company operator may obtain the required permit on behalf of the alarm system user. The person or entity applying for the permit shall state on the registration form provided by the town the following: name; address of the commercial premises; telephone number of the alarm system user; the type of alarm system (local or monitored); name of the alarm company operator selling or leasing the new or existing alarm system equipment or services; and the names, addresses and telephone numbers of at least two (2) persons who can be reached at any time, day or night, and who are authorized to respond to an alarm signal and who can open and represent the premises in which the system is installed for reporting and investigative

purposes. It shall be the responsibility of the alarm system user to make sure that such persons respond within twenty (20) minutes of notification by the town. If the responsible party's response time is delayed longer than thirty (30) minutes from the time police units are dispatched and there is no exterior indication of criminal activity, a determination will be made as to the need to remain on scene pending their arrival. It shall be the responsibility of the alarm system user to notify the town police department, in writing, of any subsequent changes in the information provided on the permit registration. Upon approval by the town of the alarm permit registration, the permit shall be issued to the alarm system user which shall be prominently displayed maintained on file in the business property.

Additionally, Sec. 26-209 shall be reworded as follows:

Sec. 26-209. Service charges for false alarms.

(a) All unregistered alarm systems will be charged a service charge of \$100.00 for every false alarm.

(b) No service charge shall apply to the first four (4) false fire and/or security alarms in each calendar year for each registered location provided the alarm system user is an alarm permit holder. A service charge of ~~fifty dollars (\$50.00) for the fifth response, one hundred dollars (\$100.00) for the sixth response, and one hundred fifty (\$150.00) for the seventh and subsequent false alarm response~~ shall be assessed against the permitted alarm system user who activates, utilizes, operates or maintains an alarm system within the town. A registered location may, at their option, register for an upcoming alarm registration cycle for ten false fire and/or security alarms in the specific calendar year at no service charge provided that the registered location pays a \$500.00 alarm registration fee with the eleventh and subsequent false alarm responses assessed at \$150.00 against the permitted alarm system user.

(c) Any service charge or fee billed under this article shall be due ~~thirty (30)~~ days from the date of invoice by the town and shall be payable to the town treasurer.

Additionally, Sec. 28-43 shall be reworded as follows:

Sec. 28-43. Service charges—Residential and domestic.

(a) *Residential garbage service.* For a minimum fee, as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council of \$15.00 \$16.50 per month, payable bimonthly and billed along with water and sewer services, the town will provide one weekly pickup and disposal of garbage, rubbish, trash, ashes, etc., not exceeding the contents of ~~two three 32 96~~ three 32-gallon containers or the equivalent volume of smaller containers. The basis of the fee computation shall be on a single-family unit using a maximum of not more than ~~two three 32 96~~ three 32-gallon containers ~~including ashes~~ or the equivalent volume of smaller containers to be picked up by the garbage collection truck once a week.

(b) *Outside town.* The minimum fee for the above collection outside the corporate limits shall be as set forth herein or as established in the latest edition of the town garbage utilities service fee schedule, which may be amended from time to time by town council \$22.50 \$24.75 per month, payable bimonthly.

(c) *Excess volume.* With the exception of bagged leaves, for all garbage, rubbish, trash and ashes set out for collection, the volume of which exceeds the maximum of ~~two three 32 96~~ three 32-gallon containers ~~including ashes~~, there will be an additional charge as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council of \$1.25 per can.

(d) *Apartments—Fee.* For apartment houses and other buildings having multifamily units, the minimum fee for garbage collection service shall be ~~\$15.00 \$16.50 per month~~ for each family unit in the same building, ~~payable bimonthly.~~

(e) *Same—Billing.* In apartment houses and other buildings having multifamily units, the same owner, agent or tenant who is responsible for the payment of water and sewer service bills shall also be responsible for all the fees for garbage collection services in such buildings and shall be billed according to rates contained in this article.

(f) *Tree and brush hauling.* The minimum fee chargeable for a town pickup of tree trimmings and brush shall be ~~as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council \$25.00.~~ Charges for a full truck load or more shall ~~hereafter be~~ as set forth herein or as established in the latest edition of the town garbage service fee schedule, which may be amended from time to time by town council, ~~\$25.00 plus the tipping fee charged by the county regional solid waste authority.~~

Additionally, Sec. 30-17 shall be reworded as follows:

Sec. 30-17. Removal of snow and ice from sidewalks.

It shall be the duty of the occupant of any property in the town which has a sidewalk of brick, wood or concrete abutting on such property to have all snow and sleet removed from such sidewalk within 24 hours after plowing of the street has been completed. ~~The same obligation shall exist with respect to ice or sleet on sidewalks, except that ice and sleet that cannot be removed without injury to the sidewalk shall be covered within the time herein required with sawdust, ashes or other material which will render the sidewalk safe for travel. When there is no occupant of such property, the owner of the property shall have the snow, ice and sleet removed or covered as provided for herein.~~ If the owner of such property cannot be found, the town manager ~~shall~~ may cause such sidewalk to be cleaned or covered and may, after notice, proceed against such owner for the costs of the work.

Additionally, Sec. 34-18(b) shall be reworded as follows:

(b) Every action to collect unpaid parking citation penalties imposed for violation of an ordinance regulating parking under this chapter shall be commenced within three years of the date upon which such penalty became delinquent or within such time as otherwise provided by Code of Virginia.

Additionally, Sec. 34-25 shall be reworded as follows:

Sec. 34-25. Loading zones.

~~Where a loading and unloading zone has been set apart, the following regulations shall apply with respect to the use of such areas:~~

~~(1) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles, other than regular delivery trucks, using such loading zones shall be identified by the owner's or company's name in letters at least three inches high on both sides of the vehicle.~~

~~(2) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles when~~

such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter, or is about to enter, such loading space.

Additionally, the Council approves the use of the Garbage Service Fee Schedule and Development Fee Schedule in addition to the current use of the Water and Sewer Service Utilities Fee Schedule with all rates and fees remaining at current levels.

Passed and adopted by the Town Council of the Town of Christiansburg, Virginia this 19th day of November 2013.

This Ordinance shall take effect upon delivery of the Christiansburg Town Code Books by Municipal Code Corporation. Nothing in this adoption shall operate to discontinue any cause or matter, civil or criminal, which shall be pending and undetermined in any court at the time of adoption of this Code, or any provision of this Code; but every such cause or matter shall be preceded in, tried and determined in such court, or in the court which succeeds to or has its jurisdiction, and in the names of the same parties, or in the names of any officers, boards, commissions, or other persons or bodies who may have succeeded under the provisions of this Code to the rights or obligations of such parties, or any of them. The papers and records of such causes and matters, and all books, records and papers whatever which on such day may be in the custody of any clerk of a court shall remain in custody of the clerk of the same, or of such court as succeeds to or has its jurisdiction.

Upon a call for an aye and nay vote on the foregoing ordinance, the members of the Council of the Town of Christiansburg, Virginia, present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Richard G. Ballengee*				
D. Michael Barber	X			
Cord Hall	X			
Steve Huppert	X			
Henry Showalter	X			
Bradford J. Stipes				X
James W. "Jim" Vanhoozier	X			

* Votes only in the event of a tie vote by Council.


Richard G. Ballengee, Mayor

A True Copy Test:


Michele M. Stipes, Clerk of Council