

THE CODE OF
THE TOWN OF
ALBERTA, VIRGINIA

Published by Order of the Town Council



MUNICIPAL CODE CORPORATION

Tallahassee, Florida

2004

OFFICIALS

of the

TOWN OF

ALBERTA, VIRGINIA

AT THE TIME OF THIS RECODIFICATION

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Mayor

F. Thomas Johnson
Vice-Mayor

Jeff Billmyer
Keith Green
Regina Johnson
Nancy Quick
Donald L. Thomas
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Town Council

Joseph E. Whitby, Jr.
Town Attorney

Linda Helm
Town Clerk and Treasurer

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Alberta, Virginia.

Source materials used in the preparation of the Code were the 1973 Code and ordinances subsequently adopted by the town council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1973 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of

the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
CHARTER COMPARATIVE TABLE	CHTCT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Milton E. Lefkoff, Senior Code Attorney, and Catherine Ponson, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to the honorable Melissa B. Parrish, Mayor, Mr. Joseph E. Whitby, Jr., Town Attorney, and Ms. Linda Helm, Town Clerk and Treasurer, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municipal Code Corporation and the Town of Alberta, Virginia. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municipal Code Corporation and the Town of Alberta, Virginia.

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PART I

CHARTER*

Chapter 1. Incorporation and Boundaries

- Sec. 1.1. Incorporation.
- Sec. 1.2. Boundaries.

Chapter 2. Powers

- Sec. 2.1. General grant of powers.
- Sec. 2.2. Adoption of certain sections of Code of Virginia.
- Sec. 2.3. Eminent domain.

Chapter 3. Mayor and Council

- Sec. 3.1. Election, qualification and term of office of councilmen and mayor.
- Sec. 3.2. Vacancies on council.
- Sec. 3.3. Vacancy in office of mayor.
- Sec. 3.4. Council a continuing body.
- Sec. 3.5. Powers and duties of mayor.
- Sec. 3.6. Vice-mayor.
- Sec. 3.7. Acting mayor.
- Sec. 3.8. Meetings of the council.
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Chapter 4. Appointive Officers

- Sec. 4.1. Appointments.
- Sec. 4.2. Deputies and assistants.
- Sec. 4.3. Term of office.
- Sec. 4.4. Bonds.
- Sec. 4.5. Vacancies in office.
- Sec. 4.6. Appointment of one person to more than one office.

Chapter 5. Miscellaneous

- Sec. 5.1. Elections governed by state law.
- Sec. 5.2. Applicability outside town.
- Sec. 5.3. Ordinances continued in force.

***Editor's note**—Printed herein is Acts 1978, ch. 109, as adopted by the General Assembly and approved on March 21, 1978. Amendments to the charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. References in the charter to provisions of Code of Virginia, tit. 15.1, are obsolete. Current references can be found in the tables in Code of Virginia, vol. 10.

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- Sec. 5.4. Severability of provision.
- Sec. 5.5. Legislative procedure.

CHARTER

§ 1.2

CHAPTER 109

An Act to provide a charter for the town of Alberta in Brunswick County, which town was incorporated by the order of the Circuit Court for Brunswick County dated September four, nineteen hundred twenty-eight.

Approved March 21, 1978

1. Be it enacted by the General Assembly of Virginia:

CHARTER FOR THE TOWN OF ALBERTA

CHAPTER 1. INCORPORATION AND BOUNDARIES

Sec. 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the town of Alberta, as such limits are now or may hereafter be altered and established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the town of Alberta, and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure by proper ordinance.

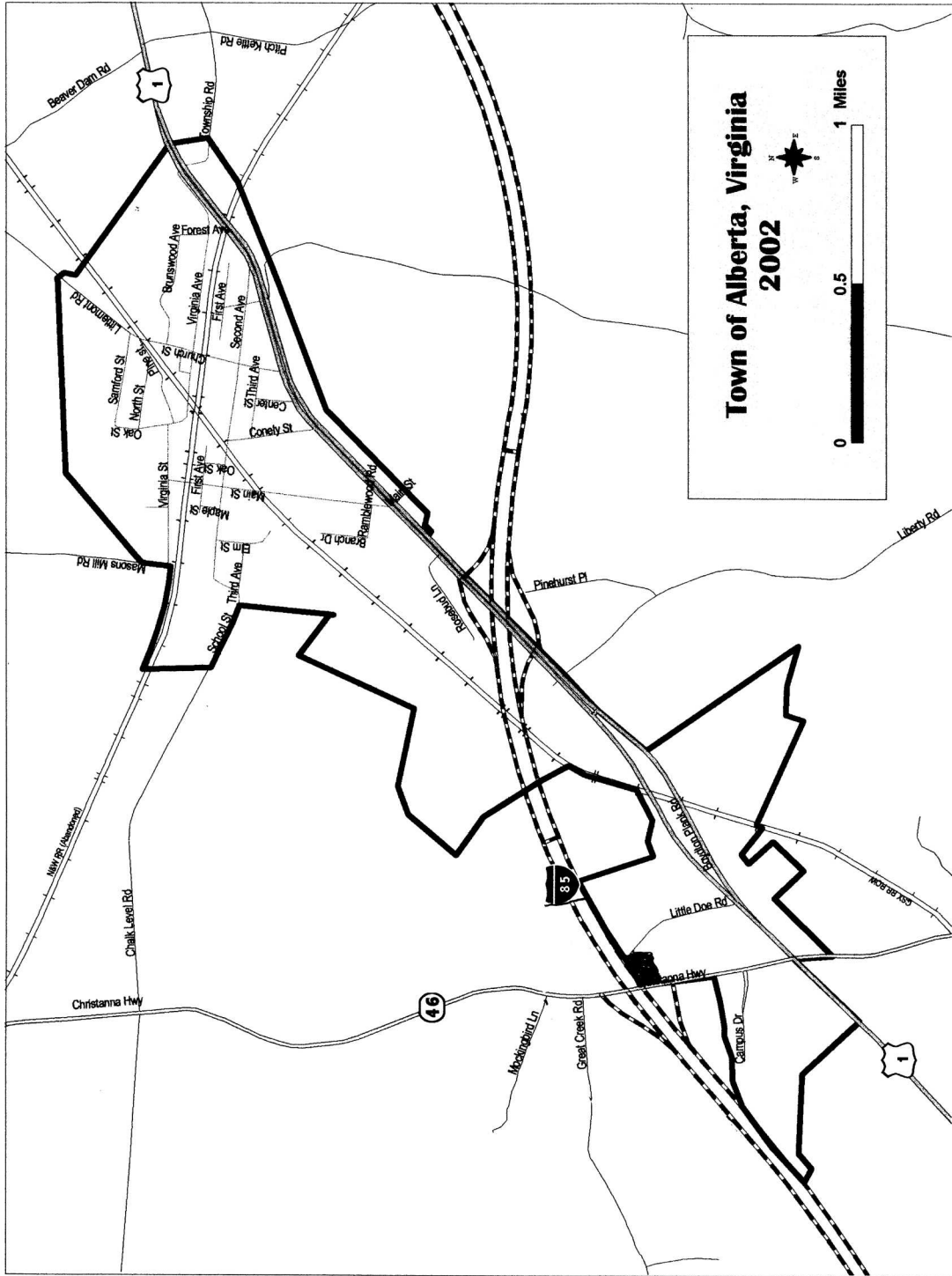
Sec. 1.2. Boundaries.

The boundaries of the town of Alberta shall be as described in the order of the Circuit Court for Brunswick County dated September four, nineteen hundred twenty-eight, which description is incorporated herein by reference.

Editor's note—The above 1928 description of the Town of Alberta's boundaries has been amended to include the town's annexed area, a boundary realignment that brought in 560 acres, doubling the size of the town: U.S. Rt. 1 west to Highway 46, plus 100 acres across Highway 46 (owned by Southside Virginia Community College). The following map outlines the annexed areas:

§ 1.2

ALBERTA CODE



CHARTER

§ 3.3

CHAPTER 2. POWERS

Sec. 2.1. General grant of powers.

The town of Alberta shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this Charter shall be held to be exclusive, and the town shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the town as a municipal corporation.

Sec. 2.2. Adoption of certain sections of Code of Virginia.

The powers granted in § 2.1 of this charter include specifically, but are not limited to, all powers set forth in Code of Virginia, §§ 15.1-837 through 15.1-915, inclusive, as amended, and all acts in furtherance thereof and supplemental thereto.

Sec. 2.3. Eminent domain.

The powers of eminent domain as set forth in Code of Virginia, tits. 15.1 and 25, as amended, are hereby conferred upon the town of Alberta.

CHAPTER 3. MAYOR AND COUNCIL

Sec. 3.1. Election, qualification and term of office of councilmen and mayor.

The town of Alberta shall be governed by a town council composed of seven councilmen and a mayor, all of whom shall be qualified voters of the town, to be elected from the town at large. Any person qualified to vote in the town shall be eligible for the office of councilman or mayor.

Editor's note—Provisions concerning the initial elections of the councilmen and mayor, dates of elections, and dates of entering upon the duties of office have been deleted. Election dates have been changed pursuant to Code of Virginia, § 24.2-222.1. Current provisions are set forth in section 10-1 of the Code of Ordinances.

Sec. 3.2. Vacancies on council.

Vacancies on the council shall be filled for the unexpired portion of the term from among the qualified voters of the town, by a majority vote of the remaining members of council.

Sec. 3.3. Vacancy in office of mayor.

A vacancy in the office of mayor shall be filled for the unexpired portion of the term from among the qualified voters of the town by a majority vote of the council.

§ 3.4

ALBERTA CODE

Sec. 3.4. Council a continuing body.

The town council shall be a continuing body, and no measures pending before such body, or contract or obligation incurred, shall abate or be discontinued because of the expiration of the term of office or removal of any council members.

Sec. 3.5. Powers and duties of mayor.

The mayor shall be the chief executive and administrative officer of the town. He shall have and exercise all the privileges and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak therein as members of the council, but shall not vote except in the case of a tie vote. He shall be the head of the town government for all ceremonial purposes and shall perform such other duties consistent with his office as may be imposed by the town council. He shall see that the duties of the various town officers are faithfully performed and shall authenticate his signature on such documents or instruments as the council, this charter or the laws of the Commonwealth shall require.

Sec. 3.6. Vice-mayor.

The town council shall elect from its members, by a majority of the members present, a vice-mayor. During the absence or inability of the mayor to act, the vice-mayor shall possess the powers and discharge the duties of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the town council.

Sec. 3.7. Acting mayor.

If both the mayor and the vice-mayor are absent or unable to act, the town council shall, by a majority vote of the members present, elect from its members a person to serve as acting mayor until either the mayor or vice-mayor is present and able to act. The person so elected shall possess the powers and discharge the duties of the mayor during such period of time. Whenever it is necessary to elect an acting mayor pursuant to this section, in the absence of both the mayor and vice-mayor, the town clerk or acting town clerk shall call the meeting of the town council to order and shall preside until an acting mayor is elected. This shall not be construed to vest in the town clerk any of the powers and duties of the mayor, except as expressly stated in this section.

Sec. 3.8. Meetings of the council.

The town council shall fix the time of its stated meetings, and it shall meet at least once a month and, except as herein provided, the council shall establish its own rules of procedure and such rules as are necessary for the orderly conduct of its business not inconsistent with the laws of the Commonwealth of Virginia. A journal shall be kept of its official proceedings and its meetings shall be open to the public.

Sec. 3.9. Council to fix salaries.

The town council is hereby authorized to fix the salary of the mayor, members of the town council, members of boards or commissions, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws of the Commonwealth of Virginia. The salaries of the mayor and members of council shall not be increased during the term for which they were elected.



CHAPTER 4. APPOINTIVE OFFICERS

Sec. 4.1. Appointments.

The town council may, in its discretion, appoint a clerk, a treasurer, a sergeant and such other officers, and may create such other boards and departments as may be authorized by law. Each officer appointed under this section shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties, not inconsistent with general law, as this charter or the council may prescribe. The enumeration of officers in this section shall not be construed to require the appointment of any such officers herein named.

Sec. 4.2. Deputies and assistants.

The town council may appoint such deputies and assistants to appointive offices as it may deem necessary.

Sec. 4.3. Term of office.

Appointees hereunder shall serve at all times during the pleasure of the town council and may be dismissed at any time by the council.

Sec. 4.4. Bonds.

Officers, deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council.

Sec. 4.5. Vacancies in office.

The town council may fill any vacancy in any appointive office.

Sec. 4.6. Appointment of one person to more than one office.

The town council may appoint the same person to more than one appointive office.

§ 5.1

ALBERTA CODE

CHAPTER 5. MISCELLANEOUS

Sec. 5.1. Elections governed by state law.

All town elections shall be held and conducted in the manner prescribed by the laws of the Commonwealth of Virginia.

Sec. 5.2. Applicability outside town.

All ordinances of the town, so far as they are applicable, shall apply on, in or to all land, buildings and structures owned by or leased or rented to the town and located outside the town.

Sec. 5.3. Ordinances continued in force.

All ordinances now in force in the town of Alberta, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the town council.

Sec. 5.4. Severability of provision.

If any clause, sentence, paragraph or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this charter but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 5.5. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject.

2. That an emergency exists and this act is in force from its passage.

CHARTER COMPARATIVE TABLE

ACTS

This table shows the location of the sections of the basic Charter and any amendments thereto.

Year	Chapter	Section	Section this Charter
1978	ch 109	chs. 1—5	Chs. 1—5

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Catchlines of sections.
- Sec. 1-4. History notes.
- Sec. 1-5. Editor's notes and references.
- Sec. 1-6. Provisions considered as continuations of existing ordinances.
- Sec. 1-7. Effect of repeal of ordinances.
- Sec. 1-8. Severability of parts of Code.
- Sec. 1-9. Classification of and penalties for violations; continuing violations.
- Sec. 1-10. Service of papers on nonresident property owners.
- Sec. 1-11. Liability of town officers and employees enforcing this Code.
- Sec. 1-12. Ordinances and actions not affected by Code.
- Sec. 1-13. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-14. Supplementation of Code.
- Sec. 1-15. Official plan and survey of town.
- Sec. 1-16. Town seal.

***Charter references**—Incorporation and boundaries, ch. 1; applicability of ordinances outside town, § 5.2.

GENERAL PROVISIONS

§ 1-2

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of Alberta, Virginia," and may be so cited. Such Code may also be cited as "The Alberta Town Code."

(Code 1973, § 1-1)

State law reference—Codification and recodification of municipal ordinances, admissibility thereof in evidence, Code of Virginia, § 15.2-1433.

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

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

And; or. "And" may be read "or," and "or" may be read "and," if the sense requires it.

Charter. The term "Charter" shall mean the Charter of the town, as it now exists or as it may be amended in the future.

Code. Whenever the terms "Code" and "this Code" are referred to without further qualification, they shall mean The Code of the Town of Alberta, Virginia, as designated in section 1-1.

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.

State law reference—Computation of time, Code of Virginia, § 1-13.3.

Council; town council. Wherever the term "council" or "town council" is used, it shall be construed to mean the council of the Town of Alberta, Virginia.

County. Wherever the term "county" or "this county" is used, it shall be construed to mean the County of Brunswick, in the Commonwealth of Virginia.

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.

State law reference—Similar provisions, Code of Virginia, § 1-13.7.

Health officer; health director. The terms "health officer" and "health director" shall mean the health director of Brunswick County, Virginia, or such other public health officer having jurisdiction within the town by authority of state law, or his duly authorized representative.

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

May; shall. The word "may" is permissive, and the word "shall" is mandatory.

Number. A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; and 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.

State law reference—Similar provisions, Code of Virginia, § 1-13.15.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath.

State law reference—Similar provisions, Code of Virginia, § 1-13.16.

Officers, agencies. Any reference to an officer, employee, department, board, commission or agency shall be construed as if followed by the phrase "of the Town of Alberta."

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

Person. The word "person" shall include any individual, corporation, partnership, business trust, association, company, business, trust, joint venture or other legal entity.

State law reference—Similar provisions, Code of Virginia, § 1-13.19.

Preceding; following. The words "preceding" and "following" mean next before and next after, respectively.

State law reference—Similar provisions, Code of Virginia, §§ 1-13.6, 1-13.23.

Sidewalk. The word "sidewalk" shall mean 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.

Signature; subscription. "Signature" or "subscription" includes a mark when a person cannot write.

State; commonwealth. The terms "state," "this state," "commonwealth" and "this commonwealth" shall mean the Commonwealth of Virginia.

Statute citations. All references to the Code of Virginia shall mean the Code of Virginia, 1950, as currently amended at any time.

Street. The word "street" shall include public 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. The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which, by law, an affirmation may be substituted for an oath.

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

Town. The terms "town" and "this town" shall mean the Town of Alberta, Virginia.

GENERAL PROVISIONS

§ 1-7

Written; writing; writings; in writing. The words "written," "writing," "writings," and "in writing" shall include any representation of words, letters, symbols, numbers or figures, whether printed or inscribed on a tangible medium or stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Code of Virginia, § 59.1-479 et seq. is or is not affixed.

State law reference—Similar provisions, Code of Virginia, § 1-13.32.

Year: The word "year" shall be construed to mean a calendar year; and the word "year" alone shall be equivalent to the expression "year of our Lord."

Other words. The rules of construction given in Code of Virginia, §§ 1-13.1—1-15, shall govern, so far as applicable, the construction of all other words not defined in this section. (Code 1973, § 1-2)

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No section of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, article or division.

(Code 1973, § 1-3)

State law reference—Similar provisions, Code of Virginia, § 1-13.9.

Sec. 1-4. History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the sections.

Sec. 1-5. Editor's notes and references.

The editor's notes, charter references, cross references and state law references in this Code are not intended to have any legal effect but are merely intended to assist the user of this Code.

Sec. 1-6. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are in substance the same as the provisions of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

(Code 1973, § 1-4)

Sec. 1-7. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

§ 1-7

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The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

(Code 1973, § 1-5)

Sec. 1-8. Severability of parts of Code.

If any section, paragraph, sentence or clause contained in this Code shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder of the rules, regulations and ordinances contained in this Code, but shall be confined in its operation to the section, paragraph, sentence, clause or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Code 1973, § 1-6)

Sec. 1-9. Classification of and penalties for violations; continuing violations.

(a) Whenever in this Code or any other town ordinance it is provided that a violation of any section or provision thereof shall constitute a class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:

- (1) *Class 1 misdemeanor*: Confinement in jail for not more than 12 months and a fine of not more than \$2,500.00, either or both.
- (2) *Class 2 misdemeanor*: Confinement in jail for not more than six months and a fine of not more than \$1,000.00, either or both.
- (3) *Class 3 misdemeanor*: A fine of not more than \$500.00.
- (4) *Class 4 misdemeanor*: A fine of not more than \$250.00.

(b) Whenever in any section of this Code or in any provision of any other town ordinance 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 section or provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a class 1 misdemeanor and shall be punished as prescribed in subsection (a)(1).

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

(d) Each day any violation of this Code or any other ordinance shall continue shall constitute a separate offense, except where otherwise provided.

(Code 1973, § 1-7)

State law references—Penalties for violation of ordinances, Code of Virginia, § 15.2-1429; bonds of persons convicted, Code of Virginia, § 15.2-1430; injunctive relief against continuing violation of ordinance, Code of Virginia, § 15.2-1432; classification of misdemeanors and punishment therefor, Code of Virginia, §§ 18.2-9, 18.2-11.

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Sec. 1-10. Service of papers on nonresident property owners.

Except as otherwise required by law, any notice or other paper required to be given to the owner of any property under any provision of this Code or other ordinance of the town shall be sufficiently served as to nonresidents of the town by being served on the agent of such owner or on an occupant of such premises, or by publication once a week for four successive weeks in some newspaper published in the town or county; provided, that this section shall not be construed to affect the validity of any other method of service which is authorized by law.

(Code 1973, § 1-8)

Sec. 1-11. Liability of town officers and employees enforcing this Code.

Any town officer or employee charged with the enforcement of all or any portion of this Code, acting for the town in line of duty, in good faith and without malice, shall not thereby render himself personally liable for any injury or damage that may accrue to any person or property as a result of any lawful act or omission by him in the discharge of his duties. Any action, suit or proceeding brought against any town officer or employee because of any such act or omission by him in the enforcement of any provision of this Code shall be defended by the town attorney until the final determination of such action, suit or proceeding.

(Code 1973, § 1-9)

State law reference—Authority of town to employ town attorney to defend town officers and employees in certain cases, Code of Virginia, § 15.2-1520.

Sec. 1-12. Ordinances and actions not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
- (2) Any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this Code;
- (3) Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issue of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town;
- (4) Any annual tax levy;
- (5) Any right or franchise conferred by ordinance or resolution of the town council on any person or corporation;
- (6) Any ordinance adopted for purposes which have been consummated;
- (7) Any ordinance which is temporary, although general in effect, or special, although permanent in effect;
- (8) Any ordinance relating to the compensation of the town's officers or employees or serves to reduce the compensation of any town officer or employee;
- (9) Any lawful retirement, disability, death or other benefit accrued or accruing;

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- (10) Any ordinance annexing territory to the town;
- (11) Any ordinance naming, renaming, opening, accepting or vacating streets, alleys, easements or rights-of-way in the town;
- (12) Any ordinance relating to zoning;
- (13) Section 4 of chapter 4 of the Town Code of 1950;
- (14) All ordinances not codified in nor in conflict with this Code which require a town license for, or which impose or levy a town license or privilege tax or fee on, any person to engage in any business, profession, trade, calling, vocation, occupation or activity within the town;

and all such ordinances and actions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-13. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be printed for inclusion in this Code. In the case of repeal of chapters, sections and subsections, or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the council to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code, so that a reference to the Code shall be understood to include such additions and amendments.

(b) Amendments to any of the sections of this Code may be made in substantially the following language: "That section _____ of The Code of the Town of Alberta, Virginia, is hereby amended to read as follows:" The new provisions shall then be set out in full as enacted.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That The Code of the Town of Alberta, Virginia, is hereby amended by adding a section, to be numbered _____, which section reads as follows:" The new section shall then be set out in full as enacted.

Sec. 1-14. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

GENERAL PROVISIONS

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(b) In preparing a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

State law reference—Authority to supplement Code, Code of Virginia, § 15.2-1433.

Sec. 1-15. Official plan and survey of town.

The town map of November 14, 1969, prepared by William T. and George E. Freeman, which is on file in the office of the town clerk and treasurer, is hereby designated as the official plan and survey of the town.

(Code 1973, § 1-11)

Sec. 1-16. Town seal.

The town seal shall be a corded circle, within which shall be a dotted circle; and within these circles and conforming to the arcs thereof shall be the words, "TOWN OF ALBERTA VIRGINIA" and, at the bottom, a five-pointed star; and within the inner (dotted) circle and conforming to the arc thereof shall be the word "INCORPORATED," under which, and on a horizontal plane, shall be the figures "1928"; and at the bottom of the inner (dotted) circle shall be a five-pointed star directly above the five-pointed star first mentioned in this section.

(Code 1973, § 1-12)

Chapter 2

ADMINISTRATION*

Article I. In General

Secs. 2-1—2-30. Reserved.

Article II. Town Council

- Sec. 2-31. Regular and special meetings.
- Sec. 2-32. Organizational meetings.
- Sec. 2-33. Quorum; procedure in absence of quorum.
- Sec. 2-34. Absence from meeting after being recorded as present.
- Sec. 2-35. Duties of presiding officer; preservation of order.
- Sec. 2-36. Conflicts of interest.
- Sec. 2-37. Majority vote required for appropriations.
- Sec. 2-38. Final passage of ordinances.
- Sec. 2-39. Effective date of ordinances.
- Sec. 2-40. Recordkeeping.
- Sec. 2-41. Drafting of amendatory ordinances; maintaining current Code.
- Sec. 2-42. Duties of council clerk.
- Sec. 2-43. Adoption and amendment of resolutions.
- Secs. 2-44—2-70. Reserved.

Article III. Boards and Commissions

Secs. 2-71—2-100. Reserved.

Article IV. Officers and Employees

Division 1. Generally

- Sec. 2-101. Oath of office.
- Sec. 2-102. Holding of two or more offices concurrently by one person; designation of deputies and assistants.
- Sec. 2-103. Powers and duties of persons temporarily filling vacancies.
- Sec. 2-104. Quarterly reports to council.
- Sec. 2-105. Exhibiting records when required.
- Sec. 2-106. Removal from office.
- Sec. 2-107. Surrender of records at expiration of term.

***Charter references**—Powers, ch. 2; mayor and council, ch. 3; appointive officers, ch. 4; legislative procedure, § 5.5.

Cross references—Elections, ch. 10; taxation, ch. 28; utilities, ch. 32.

State law references—State and Local Government Conflict of Interests Act, Code of Virginia, § 2.2-3100 et seq.; The Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.; Virginia Public Procurement Act, Code of Virginia, § 2.2-4300 et seq.; counties, cities, and towns, Code of Virginia, tit. 15.2; Virginia Public Records Act, Code of Virginia, § 42.1-76 et seq.

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- Sec. 2-108. Filling of vacancies.
- Sec. 2-109. Official bonds.
- Sec. 2-110. Compensation; fees.
- Sec. 2-111. Federal social security.
- Sec. 2-112. State retirement system.
- Sec. 2-113. Authority of deputies and assistants, persons filling temporary vacancies.
- Sec. 2-114. Right of entry for inspection.
- Secs. 2-115—2-140. Reserved.

Division 2. Mayor

- Sec. 2-141. Powers and duties.
- Sec. 2-142. Presiding officer of council; limited voting rights.
- Sec. 2-143. Vice-mayor.
- Secs. 2-144—2-160. Reserved.

Division 3. Clerk and Treasurer

- Sec. 2-161. Offices combined; title.
- Sec. 2-162. Powers and duties—In general.
- Sec. 2-163. Same—As treasurer.
- Secs. 2-164—2-180. Reserved.

Division 4. Attorney

- Sec. 2-181. Requirements, compensation and duties; assistant.
- Secs. 2-182—2-200. Reserved.

Division 5. Chief of Police

- Sec. 2-201. Consolidation of offices; duties, powers and authority.
- Secs. 2-202—2-220. Reserved.

Division 6. Superintendent of Utilities

- Sec. 2-221. Powers and duties.
- Secs. 2-222—2-250. Reserved.

Article V. Finance

- Sec. 2-251. Approval required before accounts against town allowed.
- Sec. 2-252. Refusal of warrant payments to persons indebted to town.
- Sec. 2-253. Depository.

ADMINISTRATION

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ARTICLE I. IN GENERAL

Secs. 2-1—2-30. Reserved.

ARTICLE II. TOWN COUNCIL*

Sec. 2-31. Regular and special meetings.

(a) *Regular.* A regular meeting of the town council shall be held on the second Monday night in each month at such place and hour as may be designated by the council; provided, that when a second Monday of any month falls upon a holiday, the council may fix another day for its regular meeting for that month.

(b) *Special.*

- (1) Special meetings may be called at any time by the mayor or by any two members of the council, but the purpose or object of the meeting shall be stated in such call.
- (2) All calls for special meetings shall be in writing addressed to the clerk of the council, who may issue a notice directed to the chief of police or any other police officers of the town requiring the mayor and councilmen to attend at the place and time and for the purpose or object set forth in the call.

(Code 1973, § 2-10)

State law reference—The Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.

Sec. 2-32. Organizational meetings.

On January 2 of each even-numbered year, or if any such date falls upon a Sunday or legal holiday, then on the next succeeding business day the mayor-elect and councilmen-elect shall meet, at the place and hour designated by the town council for its regular monthly meetings, and take the oath of office prescribed by Code of Virginia, § 15.2-1522. The town council shall then proceed to organize by:

- (1) Electing one of the councilmen to the concurrent office of vice-mayor;
- (2) Filling vacancies in appointive offices, with the right to declare any appointive office vacant and then proceed to fill such vacancy;
- (3) Adopting, readopting or amending its rules; and

***State law references**—Local governing bodies, Code of Virginia, § 15.2-1400 et seq.; local powers vested in governing body, Code of Virginia, § 15.2-1401; where local officers shall reside, Code of Virginia, § 15.2-1525; election and terms of mayor and council, Code of Virginia, § 24.2-222.

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- (4) Transacting such other business of an organizational or procedural character as the council may deem appropriate.

(Code 1973, § 2-11)

State law reference—When mayor and councilmen take office, Code of Virginia, § 24.2-222.1.

Sec. 2-33. Quorum; procedure in absence of quorum.

A majority of the members of the town council shall constitute a quorum. If a quorum fails to attend within half an hour after the appointed time of meeting, those present may adjourn to such time as they may deem proper, and the clerk shall enter the names of those present and those absent on the journal.

(Code 1973, § 2-12)

Sec. 2-34. Absence from meeting after being recorded as present.

After the name of a member has been recorded as present at any meeting of the council, he shall not absent himself from such meeting previous to the adjournment without permission of the council. Any member violating this rule shall be fined by the mayor not less than \$10.00 and not more than \$50.00 for each offense.

(Code 1973, § 2-13)

Sec. 2-35. Duties of presiding officer; preservation of order.

(a) At all meetings of the town council, the presiding officer shall preserve order and decorum, and shall discharge all duties prescribed by law for presiding officers of town council meetings and such other duties usually pertaining to presiding officers.

(b) The presiding officer of the town council and the presiding officer of each committee of the town council shall preserve order and decorum at council and committee meetings, respectively; and if any person behaves in a riotous or disorderly manner in any public meeting of the town council or any division, committee, agency, or authority thereof, or causes any unnecessary disturbance therein, by force, shouting or any other action calculated to disrupt such meeting, or shall refuse to obey any ruling of the presiding officer of such meeting relative to the orderly process thereof, he shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$1,000.00 or confinement in jail not exceeding 12 months, or both, in the discretion of the jury or court trying the case without a jury.

(Code 1973, § 2-14)

State law references—Punishment for misdemeanor, Code of Virginia, § 18.2-11 et seq.; disorderly conduct, Code of Virginia, § 18.2-415.

Sec. 2-36. Conflicts of interest.

No member of the council who has an immediate personal or pecuniary interest in the result of any question or matter before the council shall vote thereon.

(Code 1973, § 2-15)

State law reference—State and Local Government Conflict of Interests Act, Code of Virginia, § 2.2-3100 et seq.

Sec. 2-37. Majority vote required for appropriations 

No appropriation shall be made for any purpose unless a majority of all the members elected to the town council shall vote therefor.

(Code 1973, § 2-17)

Sec. 2-38. Final passage of ordinances.

When it is proposed to pass an ordinance on its final passage on the same day on which it was first presented and read and objection is made to so doing, the ayes and noes shall be ordered on the question of so doing, and the ordinance shall not be placed upon its final passage at that meeting, except by the concurrence of two-thirds of the members present.

(Code 1973, § 2-16)

Sec. 2-39. Effective date of ordinances.

Every ordinance shall commence and be in force from the date of its passage, unless otherwise provided.

(Code 1973, § 2-18)

Sec. 2-40. Recordkeeping.

(a) The clerk of the council shall preserve the original copies of all ordinances and resolutions of the town council in appropriate files in his office, and he shall maintain an index thereof.

(b) The clerk of the council shall keep two books in which to record the proceedings of the town council. In one of them, to be termed "general ordinance book," shall be recorded, with a suitable index, all ordinances and resolutions of a general and permanent character; and in the other book, to be called the "minute book," shall be recorded and indexed the transactions of every meeting of the council, and at the request of any member present the yeas and nays shall be recorded on any question.

(Code 1973, § 2-19)

State law reference—The Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.

Sec. 2-41. Drafting of amendatory ordinances; maintaining current Code.

(a) Each ordinance amendatory of this Code shall be so drafted as to indicate clearly the chapter, article, division, section, subsection or paragraph added, deleted or altered thereby, and, where feasible, chapter or article headings or section or subsection catchlines shall be supplied.

(b) It shall be the duty of the clerk of the council to maintain in his office one volume of this Code in current status at all times, with deleted portions omitted therefrom, amended portions included therein so as to replace the portions superseded by such amendments, and new portions included therein, each at its proper place; and he shall amend the index accordingly. In making each insertion in or removal from such volume, the clerk of the council shall make

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an appropriate note in the margin as to the number and date of passage of the amendatory ordinance and the effective date thereof, and, if publication or a public hearing was required, the date and manner of such publication and the date of such public hearing.

(Code 1973, § 2-20)

State law reference—The Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.

Sec. 2-42. Duties of council clerk.

It shall be the duty of the clerk of the council, whenever any petition, communication, resolution or other paper is referred to any committee of the town council, within 48 hours after the session of the council at which such reference is made, to deliver a copy of the resolution or order to the chairman of the committee to which it is referred. The clerk shall, within five days, notify all persons elected to any office by the council of such election. It shall likewise be his duty, within 48 hours after the passage of an ordinance which by law is required to be published, to furnish to the local newspapers a copy of such ordinance for publication, or to post it in such manner as may be designated by the council.

(Code 1973, § 2-21)

Sec. 2-43. Adoption and amendment of resolutions.

The town council may from time to time adopt and amend resolutions for the following:

- (1) Transaction of its business;
- (2) Procedure and order of business at its meetings;
- (3) Appointment and jurisdiction, powers and duties of standing and special committees;
- (4) Official conduct of its members;
- (5) Manner of calling and conducting hearings and investigations and the issuance of subpoenas for the attendance of witnesses and the production of books and papers;
- (6) Presentation of petitions and other communications to the council and recognition of nonmembers to address the council thereon; and
- (7) Such other matters not inconsistent with state law, this Code or other ordinance as may be deemed appropriate to facilitate the execution of the powers and the performance of the duties of the town council as provided by state law.

(Code 1973, § 2-22)

State law reference—Investigations by governing bodies, Code of Virginia, § 15.2-1409.

Secs. 2-44—2-70. Reserved.

ARTICLE III. BOARDS AND COMMISSIONS

Secs. 2-71—2-100. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-101. Oath of office.

Every person elected or appointed to office in the town shall, upon entering the duties of his office, take and subscribe the oath of office prescribed by the laws of the state, a certificate of which shall be filed with the clerk of the council.

(Code 1973, § 2-23)

State law reference—How officers qualify, record, Code of Virginia, §§ 15.2-1522, 15.2-1523.

Sec. 2-102. Holding of two or more offices concurrently by one person; designation of deputies and assistants.

(a) The town council may provide, by ordinance or resolution, that one person may serve concurrently in any two or more specific offices which are authorized to be filled by appointment by the town council, subject to any limitation imposed by state law; and in any such ordinance or resolution, the council may specify an appropriate title for a person holding more than one office concurrently, as, for example, town clerk and treasurer.

(b) Any deputy or assistant to any town officer who holds two or more town offices concurrently shall be designated according to the office or offices in which he serves as such. For example, if and when there shall be an assistant town clerk and treasurer appointed to serve in a clerical capacity only, without authority or duties relating to the town funds, his title would be assistant town clerk.

(Code 1973, § 2-24)

Sec. 2-103. Powers and duties of persons temporarily filling vacancies.

When any town officer or employee is absent or disabled or when any town office or position is vacant, the person designated by the town council or designated by the mayor pending the next meeting of the town council to act in place of such absent or disabled officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position; provided, that any person so designated to perform the duties and exercise the powers

***Cross references**—Any ordinance relating to the compensation of the town's officers and employees or serve to reduce the compensation of any town officer or employee saved from repeal, § 1-12(8); any lawful retirement, disability, death or other benefit accrued or accruing saved from repeal, § 1-12(9); building official, § 6-3; officers—fire chief; fire marshal, § 14-34; town officers and employees, § 20-41 et seq.

State law references—The Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.; local government personnel, Code of Virginia, § 15.2-1500 et seq.; elected officers, Code of Virginia, § 15.2-1522 et seq.; residence of officers, Code of Virginia, §§ 15.2-1525, 15.2-1526.

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of chief of police during the absence or disability of the regularly appointed chief of police or during a vacancy in the office of chief of police shall have authority to enforce all provisions of this Code and other ordinances to the same extent as though he were the regularly appointed chief of police of the town.

(Code 1973, § 2-25)

Sec. 2-104. Quarterly reports to council.

(a) *Contents.* Every officer of the town shall make a quarterly statement, in writing, to the town council as of the first day of each quarter, of:

- (1) All expenses incurred by him during the previous quarter;
- (2) His receipts and disbursements during the previous quarter and of the balance of cash due by him to the town, or under his control or in his custody belonging to the town;
- (3) All uncollected accounts in his hands belonging to the town; and
- (4) All major duties performed by him during the previous quarter.

(b) *Form and time of filing.* These reports shall be in such form as may be prescribed by the council, and shall be filed in the office of the town clerk and treasurer on or before the day of the first regular meeting of the town council in each quarter.

(c) *More frequent submissions; other reports.* The town council may order any one or more town officers to submit the foregoing reports more often than quarterly, and may order any one or more town officers to submit to the town council such other reports as the council may specify.

(Code 1973, § 2-26)

Sec. 2-105. Exhibiting records when required.

Any officer of the town may at any time be required by the town council to appear before the council, or any committee designated by the council, to exhibit his books and vouchers and to make and settle his accounts; and, upon conviction of failure or refusal to do so, may be fined \$50.00 per day for each day of such failure or refusal and may, in addition, be committed to jail until he settles his accounts.

(Code 1973, § 2-27)

Sec. 2-106. Removal from office.

For malfeasance, neglect of duty, incapacity or any other good cause, the town council may remove from office any officer appointed by it.

(Code 1973, § 2-28)

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Sec. 2-107. Surrender of records at expiration of term.

At the expiration of his term of office, each officer shall forthwith deliver to his successor in office all books, papers, documents, town seal, etc., in his custody, all of which are the property of the town, and if there be no successor, to the person designated by the town council.

(Code 1973, § 2-29)

Sec. 2-108. Filling of vacancies.

Vacancies in any office or in the town council may be filled by the council; and all persons appointed to fill a vacancy shall hold office only during the unexpired term of office in which such vacancy occurs.

(Code 1973, § 2-30)

Sec. 2-109. Official bonds.

(a) The town clerk and treasurer, the deputy or assistant town clerk and treasurer, the chief of police and the deputy chief of police shall, before entering upon the discharge of their duties, give bond to the town, with corporate surety and in such amount as may be prescribed by the town council, conditioned upon the faithful discharge of their duties and a true accounting to make of all town assets coming within their possession, custody or control; provided, that the bond of the town clerk and treasurer and the deputy or assistant town clerk and treasurer shall be in an amount not less than \$10,000.00 and the bond of the chief of police and the deputy chief of police shall be in an amount not less than \$1,000.00.

(b) In lieu of individual bonds, the town council may provide for a system of blanket bonding covering all persons who, by this section, are required to be bonded.

(c) All bonds required by this section shall be approved by the town attorney as to legality and form, and by the town council as to sufficiency; and the premiums thereon shall be paid by the town. Bonds shall be filed in the office of the town clerk and treasurer.

(Code 1973, § 2-4)

State law reference—Bonds of certain officers, Code of Virginia, § 15.2-1527 et seq.

Sec. 2-110. Compensation; fees.

Town officers and employees shall receive such compensation for their services as may be fixed in the annual budget or as may be fixed from time to time by other ordinances or resolutions of the town council; and all fees collected by town officers and employees shall be paid into the town treasury and no town officer or employee shall have any personal interest therein, except as may be specifically provided otherwise by the town council.

(Code 1973, § 2-5)

State law reference—Salary of mayor and councilmen, Code of Virginia, § 15.2-1414.7.

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Sec. 2-111. Federal social security.

(a) In order to provide for the coverage of eligible officers and employees of the town under the provisions of title II of the Federal Social Security Act, the town shall subscribe to the applicable provisions of Code of Virginia, §§ 51.1-700—51.1-706; and the plan heretofore submitted to and approved by the state agency pursuant to Code of Virginia, § 51.1-705, is hereby ratified, confirmed and continued in full force and effect.

(b) The town council shall, each year, appropriate sufficient funds to make its required employer contributions to the state agency, and the town clerk and treasurer shall withhold from the salaries and wages of those town officers and employees who are so covered by federal social security to make their required contributions pursuant to the approved plan.

(c) The town clerk and treasurer shall be responsible for the performance by the town of all duties imposed upon the town and its officers and employees who are so covered by federal social security under the applicable provisions of Code of Virginia, §§ 51.1-700—51.1-706.

(Code 1973, § 2-8)

Editor's note—The town's copy of the agreement mentioned in subsection (a) is on file in the office of the town clerk and treasurer.

Sec. 2-112. State retirement system.

(a) The town council hereby ratifies, confirms and continues in full force and effect the resolution heretofore adopted by the town council, which has been approved by the board of trustees of the state retirement system, whereby the town council elected to enable eligible town officers and employees to become members of the state retirement system, pursuant to the provisions of Code of Virginia, § 51.1-130 et seq.

(b) The town council shall, each year, appropriate sufficient funds to make its required employer contributions to the board of trustees of the state retirement system; and the town clerk and treasurer shall withhold from the salaries and wages of those town officers and employees who are members of such retirement system sufficient funds to make the required member contributions to such board of trustees; and all such contributions shall be paid by the treasurer to such board of trustees in compliance with rules, regulations and procedures established by that board.

(c) The town clerk and treasurer shall be responsible for the performance by the town of all duties imposed upon the town and its member officers and employees under the applicable provisions of Code of Virginia, § 51.1-124.2 et seq.

(Code 1973, § 2-9)

Editor's note—The resolution referred to in subsection (a) was adopted May 9, 1966, and is on file in the office of the town clerk and treasurer.

Sec. 2-113. Authority of deputies and assistants, persons filling temporary vacancies.

(a) Authority vested in, and duties imposed upon, town officers by state law, this Code or other ordinances and resolutions of the town council may, when they so authorize, be exercised or performed by their deputies, assistants and other subordinates to the extent not prohibited by state law, this Code or other ordinance or resolution of the town council.

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(b) When any town officer or employee is absent or disabled, or when any office or position in the town government is vacant, the person designated by competent authority to act in the place of such absent or disabled town officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position.

(Code 1973, § 2-6)

Sec. 2-114. Right of entry for inspection.

Whenever any officer or employee of the town is required or authorized by statute, the provisions of this Code or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle in accordance with law at any reasonable time in pursuance of such duties.

(Code 1973, § 2-7)

Secs. 2-115—2-140. Reserved.

DIVISION 2. MAYOR

Sec. 2-141. Powers and duties.

(a) The mayor shall be the official head of the town government and the chief executive officer of the town, and he shall have the powers and perform the duties prescribed by state law for the mayor of a town and as prescribed for his office by this Code and by other ordinances, resolutions and orders of the town council. The mayor shall see that the ordinances and resolutions of the town are enforced, and shall be the chief law enforcement officer of the town who may call upon the governor for aid in case of any breach of the peace, tumult, riot or resistance of law or imminent danger thereof, or in case of any disaster wherein the lives or property of citizens are imperiled, pursuant to the authority of Code of Virginia, § 44-78.1.

(b) The mayor shall have general supervision over the officers and units of the town government, and he shall report to the town council the failure of any town officer in the performance of duty and **may suspend or remove any appointive officer for misfeasance or malfeasance in office, which suspension or removal shall be confirmed or revoked by the council; but the officer shall stand suspended until his case is acted on by the council.** The mayor shall exercise a constant supervision and control over the conduct of all subordinate municipal officers and shall receive and examine all complaints against them for misconduct or neglect of duty.

(c) The mayor shall recommend to the town council, by a message in writing at its regular meeting in September of each year, and at such other times as he may deem proper, such measures as he may consider necessary and expedient to the public welfare.

(Code 1973, § 2-31)

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Sec. 2-142. Presiding officer of council; limited voting rights.

The mayor shall preside at meetings of the council and shall have the right to discuss all matters coming before the council, but he shall not vote on such matters except in case of a tie.
(Code 1973, § 2-32)

Sec. 2-143. Vice-mayor.

In the event of the absence or disability of the mayor, or in the event of a vacancy occurring in the office of mayor, the vice-mayor shall have the powers and perform the duties of the office of mayor, without losing his vote as a councilman but not having a second vote to break a tie, until the mayor's absence or disability terminates or until the office of mayor has been filled.
(Code 1973, § 2-33)

Secs. 2-144—2-160. Reserved.

DIVISION 3. CLERK AND TREASURER

Sec. 2-161. Offices combined; title.

The offices of town clerk and town treasurer are hereby combined into one office, the title of which shall be "town clerk and treasurer."
(Code 1973, § 2-34)

Sec. 2-162. Powers and duties—In general.

The town clerk and treasurer shall:

- (1) Be the ex officio clerk of the council, whose duty it shall be to attend every meeting of the town council and keep an accurate record of its proceedings, act as its corresponding secretary, and perform such other clerical and administrative duties for the council as provided for the clerk of the council in this Code and as the council may from time to time direct.
- (2) Be the custodian of all records, documents and other papers of the town for which no other officer is designated as custodian, and he shall maintain them in a systematic manner so as to facilitate ready reference thereto, and in a secure and fireproof safe or in a filing cabinet in his office; provided, that a safe deposit box of a bank or trust company designated by the town council for such purpose may be used as the place of maintenance for papers of unusual value to the town.
- (3) Upon application of any voter or property owner of the town, exhibit his books and furnish such information in regard thereto as may be desired.
- (4) When furnishing any copy of any ordinance, resolution or other proceedings of the town council or any other paper in his custody to any person other than officials of the

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town entitled thereto, be entitled to charge the same fees for such copies as are allowed by law to the clerk of the circuit court, as compensation for personal services which shall be in addition to his salary.

- (5) Be the custodian of the corporate seal of the town and affix it to any paper directed by the town council to be executed on behalf of the town to which it may be necessary to affix the seal, unless another person be designated by the council to affix such seal. He shall affix such seal to any copy of a resolution, ordinance or other proceeding of the council where it may be required as evidence of the correctness of such copy and the genuineness of his attestation of certificate thereto; and a copy of any record or papers in the custody of the town clerk and treasurer shall, when certified by him, be received in proof as if it were the original.
 - (6) Have authority to procure all books, blanks and stationery which may be necessary for the proper discharge of the duties of his office, submitting bills therefor to the town council for payment.
 - (7) Issue all town licenses and permits for which no other issuing officer has been designated.
 - (8) Have such other powers and perform such other duties as may be specified for his office by state law, this Code or other ordinances, resolutions or orders of the town council or which are incidental to his office generally.
- (Code 1973, § 2-35)

Sec. 2-163. Same—As treasurer.

- (a) The town clerk and treasurer shall:
 - (1) Receive all money belonging to the town which it is his duty to collect from persons owing it to the town or which it is the duty of other officers to collect and pay over to him, and to keep such money safely and account therefor and to disburse it only as authorized by the town council.
 - (2) Collect all taxes and assessments, all revenues of the water and sewer systems, and all other revenues of the town from persons owing such taxes, assessments and revenues to the town.
 - (3) Commence to receive the town taxes and local levies as soon as he receives a copy of the commissioner's books and, not later than November 1 of each year, send by mail, to each taxpayer assessed with taxes and levies for that year, a bill in the form prescribed by the town council; and, not later than September 1 of each year, make out a list of all delinquent taxes for the year immediately preceding.
 - (4) Quarterly, or more often if required by the town council, make an itemized report of all money received and disbursed by him.

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- (5) Keep an automated ledger provided for the purpose, an account of the general and special funds of the town, showing for each fund the amount of money received from all sources and the amount of money paid out upon the warrants or orders of the town council.
- (6) For the purpose of collecting money due the town from town taxes and license taxes, town levies, town assessments, town water and sewer service charges and other debts however incurred, have the same powers as prescribed by state law for a county treasurer with respect to the collection of money and debts owing to a county insofar as not inconsistent with state law, this Code or other ordinances and resolutions of the town council.

(b) When it becomes necessary for the town clerk and treasurer to levy or distrain upon the property of any delinquent taxpayer, it shall be done by the chief of police, and such property shall be sold at such place as the chief of police may deem best calculated to procure a fair price for such property. From the proceeds of such sale, he shall satisfy the tax due the town and the cost of collecting and pay the residue, if any, to the delinquent taxpayer.

(Code 1973, § 2-36)

State law reference—Powers and duties of county treasurers relating to collection of taxes, Code of Virginia, § 58.1-3910 et seq.

Secs. 2-164—2-180. Reserved.

DIVISION 4. ATTORNEY

Sec. 2-181. Requirements, compensation and duties; assistant.

(a) The town attorney shall be a member in good standing of the bar of this commonwealth, who shall perform such professional services and receive such compensation as may be agreed upon by him and the town council at the time of his appointment, subject to the following: The town attorney shall:

- (1) Be legal counsel for the town council and town officers, boards and agencies and render opinions to them upon request;
- (2) Prepare contracts and other instruments to which the town is a party or in which the town has an interest;
- (3) Attend regular meetings of the town council when requested by the council and, at the request of the mayor or councilmen issuing the call, attend special meetings of the town council; and
- (4) Represent the town in court with respect to any proceeding to which the town is a party.

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(b) The town attorney, with the consent of the town council, may appoint an assistant town attorney, who shall be a member in good standing of the bar of this commonwealth and who shall perform the duties of the town attorney when the town attorney is absent, disabled or otherwise unavailable.

(Code 1973, § 2-37)

Secs. 2-182—2-200. Reserved.

DIVISION 5. CHIEF OF POLICE

Sec. 2-201. Consolidation of offices; duties, powers and authority.

(a) The offices of town police are hereby consolidated into one office, to be known as the police department.

(b) The chief of police shall, under the general supervision of the mayor, enforce within the police jurisdiction of the town the laws of this state and the provisions of this Code and other town ordinances; and he shall have the powers and perform the duties prescribed for officers and privates of municipal police forces in Code of Virginia, § 15.2-1704. Such other regular, auxiliary or special police officers as may at any time be authorized and appointed by the town council shall be under the supervision and subject to all lawful orders of the chief of police.

(c) The chief of police is hereby vested with authority to serve and execute, within the police jurisdiction of the town, all orders, notices and other papers and processes from the town council, committees of the town council and town officers in the same manner and with like effect as provided by law for municipal sergeants and county sheriffs.

(Code 1973, § 2-38)

State law references—Line of Duty Act, Code of Virginia, § 9.1-400 et seq.; police and public order, Code of Virginia, § 15.2-1700 et seq.

Secs. 2-202—2-220. Reserved.

DIVISION 6. SUPERINTENDENT OF UTILITIES*

Sec. 2-221. Powers and duties.

(a) *Responsibility; appointment; enforcement.* The superintendent of utilities shall be in charge of, and responsible to the town council for, the operation and maintenance of the town water and sewer systems and all installations and components thereof; and he shall be appointed upon the basis of his qualifications, training and experience therefor. He shall administer and enforce the provisions of this Code and other ordinances relating to the town water and sewer systems for which no other town officer is charged with the administration and enforcement thereof.

***Cross reference**—Utilities, ch. 32.

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(b) *Operation and maintenance of systems.* The superintendent of utilities shall:

- (1) On his own initiative and upon request by the town council, render reports and recommendations to the town council concerning the condition and needs of the town water and sewer systems;
- (2) Superintend the operation, upkeep and repair of the water and sewer systems to assure maximum efficiency and plan ahead for their extension or modification to keep abreast of the needs of the town;
- (3) Supervise the training and activities of employees having duties with the town water and sewer systems;
- (4) Be the custodian of all real and personal property appertaining to the town water and sewer systems and is charged with the proper maintenance, use and operation thereof;
- (5) Perform the required chemical analyses of sewage; and
- (6) Have such powers and perform such duties incidental to the foregoing as may be necessary for him properly to perform the duties presented in this section.

(c) *Additional duties; availability beyond regular hours.* In addition to the foregoing general powers and duties, the superintendent of utilities shall perform such other and more detailed duties relating to the town water and sewer systems as may from time to time be required of him by the mayor or the town council; and he shall be available for the performance of duty beyond the regular days and hours of work as may be required by operational problems or other exigencies which from time to time may occur after regular working hours and on Saturdays, Sundays and holidays.

(Code 1973, § 2-39)

Secs. 2-222—2-250. Reserved.

ARTICLE V. FINANCE*

Sec. 2-251. Approval required before accounts against town allowed.

(a) No account against the town shall be allowed until it has been approved by the committee or authorized officer by whose direction or on whose order the services were performed or material furnished for which the account was rendered; and such officer or committee shall endorse on such account the specific object of such expenditure, so far as incurred under the directions or authority of such committee or officer, and shall return it to the town clerk and treasurer before the regular meeting of the town council at which it is to be submitted.

***Cross references**—Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issue of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town saved from repeal, § 1-12(3); taxation, ch. 28.

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(b) All claims, debts and demands against the town, when presented to the town council, shall, if deemed necessary by the council, be referred to the proper committee or officer for report thereon at the next meeting of the council.

(Code 1973, § 2-1)

Sec. 2-252. Refusal of warrant payments to persons indebted to town.

The town clerk and treasurer shall refuse payment of any town warrant presented to him when the person presenting or holding such warrant is indebted to the town or delinquent in the payment of taxes or other dues to the town; and the town clerk and treasurer is authorized to withhold payment of such warrant until such taxes or indebtedness shall have been paid. No payment shall be made to any town officer or employee who is in arrears to the town or who is in default in rendering any account, statement or report required of him.

(Code 1973, § 2-2)

Sec. 2-253. Depository.

A bank shall be designated by the council as the official town depository for all town funds; and the town clerk and treasurer is hereby directed to use such depository exclusively.

(Code 1973, § 2-3)

Chapter 3

RESERVED

Chapter 4

ANIMALS*

Article I. In General

- Sec. 4-1. Dangerous or vicious animals.
- Sec. 4-2. Cruelty.
- Sec. 4-3. Bird sanctuary.
- Sec. 4-4. Dead, disabled and diseased animals.
- Sec. 4-5. Burial or cremation.
- Secs. 4-6—4-40. Reserved.

Article II. Dogs

- Sec. 4-41. Impoundment when at large during designated periods.
- Sec. 4-42. Female dogs in heat.
- Sec. 4-43. Chasing or acting in threatening manner.
- Sec. 4-44. Dangerous or vicious.

***Cross references**—Environment, ch. 12; health and sanitation, ch. 16; riding or driving animals, § 30-4.

State law references—Livestock and poultry, Code of Virginia, § 3.1-723 et seq.; comprehensive animal laws, Code of Virginia, § 3.1-796.66 et seq.; general authority of town to regulate animals and fowl, Code of Virginia, § 3.1-796.94:1(B); cruelty to animals, Code of Virginia, § 3.1-796.122 et seq.; dogs and cats deemed personal property, rights relating thereto, Code of Virginia, § 3.1-796.127; penalties for offenses involving animals, Code of Virginia, §§ 3.1-796.128, 18.2-403.1 et seq.; diseased animals, dead animals, etc., Code of Virginia, §§ 18.2-323, 18.2-510; game, inland fisheries and boating, Code of Virginia, tit. 29.1; hunting near public schools and public parks, Code of Virginia, § 29.1-527; estrays, Code of Virginia, § 55-202 et seq.

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ARTICLE I. IN GENERAL

Sec. 4-1. Dangerous or vicious animals.

It shall be unlawful for any person to suffer any animal belonging to him or under his control, and known to him individually or by repute to be dangerous or vicious, to go at large in the town.

(Code 1973, § 3-1)

Cross reference—Environment, ch. 12.

Sec. 4-2. Cruelty.

(a) Any person who causes any of the following things or, being the owner of such animal, permits such acts to be done by another, shall be guilty of a class 1 misdemeanor:

- (1) Overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another;
- (2) Deprives any animal of necessary food, drink, shelter or emergency veterinary treatment;
- (3) Sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes;
- (4) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or
- (5) Carries or causes to be carried, in or upon any vehicle, vessel or otherwise, any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering.

(b) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(c) For the purposes of this section, the word "animal" shall be construed to include birds and fowl.

(d) This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under the Code of Virginia, including, but not limited to, Code of Virginia, tit. 29.1, or to farming activities as provided under this title or regulations promulgated thereto.

(e) In addition to the penalties provided in subsection (a), the court may, in its discretion, require any person convicted of a violation of subsection (a) to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

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(f) Any person convicted of violating this section may be prohibited by the court from possession or ownership of companion animals.

(Code 1973, § 3-2)

State law reference—Cruelty to animals, Code of Virginia, § 3.1-796.122 et seq.

Sec. 4-3. Bird sanctuary.

It is hereby declared that all the area within the corporate limits of the town shall be a sanctuary for all wild bird life except starlings, pigeons, English sparrows and vultures. Signs stating that the town is a bird sanctuary may be erected in the town; provided, that the types of signs and locations thereof are first approved by the town council.

(Code 1973, § 3-3)

Sec. 4-4. Dead, disabled and diseased animals.

If any person does the following, he shall be guilty of a class 3 misdemeanor:

- (1) Casts any dead animal into a road;
- (2) Knowingly permits any dead animal to remain unburied upon his property, when offensive to the public; or
- (3) Having in custody any maimed, diseased, disabled or infirm animal, leaves it to lie or be in a street, road or public place.

(Code 1973, § 3-4)

Cross reference—Streets, sidewalks and other public places, ch. 24.

State law reference—Similar provisions, Code of Virginia, § 18.2-323.

Sec. 4-5. Burial or cremation.

(a) When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he fails to do so, any judge of a general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover, of the owner of every such animal so cremated or buried, the actual cost of the cremation or burial, not to exceed \$75.00; and of the owner of every such fowl so cremated or buried, the actual cost of the cremation or burial, not to exceed \$5.00, to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Any person violating this section shall be guilty of a class 4 misdemeanor.

(b) Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.

(Code 1973, § 3-5)

State law references—Similar provisions, Code of Virginia, § 18.2-510; disposal of dead companion animals, Code of Virginia, § 3.1-796.121.

Secs. 4-6—4-40. Reserved.

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ARTICLE II. DOGS*

Sec. 4-41. Impoundment when at large during designated periods.

(a) The town council shall, from time to time, as it may deem proper and necessary to rid the town of stray or unclaimed dogs, designate certain periods of time, not more often than once each three months and for a period of not more than six consecutive days, for all dog owners within the town to confine their dogs and prohibit them from running at large, and all dogs found running at large during such prohibitive period shall be subject to impoundment by the chief of police or by any other person designated for such purpose by the town council; and dogs so impounded, if not called for by owners, as provided in Code of Virginia, § 3.1-796.96, shall be disposed of by the chief of police or other person designated by the town council in a lawful manner.

(b) When such periods as described in subsection (a) have been designated, due notice thereof shall be given for at least 15 consecutive days immediately prior to the beginning of the confinement period by posting upon the town hall bulletin board, and at four or more other public places in the town, notices clearly designating the time for confinement of dogs to begin and end.

(c) During such periods of confinement as described in subsection (a), it shall be unlawful for any person to permit his dog to run at large within the corporate limits of the town, and any person violating this section shall be guilty of a class 4 misdemeanor for each offense; provided, that each dog and each day that such dog shall run at large shall constitute a separate offense. (Code 1973, § 3-6)

Sec. 4-42. Female dogs in heat.

If any female dog in heat shall be found on the streets of the town or in view of the public using the streets, the owner of such dog shall be guilty of a class 4 misdemeanor. If the owner is not known or cannot be conveniently found, it shall be the duty of the chief of police or other police officer to impound or kill such dog.

(Code 1973, § 3-7)

Sec. 4-43. Chasing or acting in threatening manner.

(a) No person shall keep within the town a dog which, while off of the property of the owner or keeper, persistently or habitually chases motor vehicles, other vehicles, persons or domestic animals, or acts in a threatening manner toward any person or domestic animal. If, after reasonable notice, the owner or keeper of such dog shall fail or refuse to prevent such activity, the owner shall be deemed to have violated this section and shall, upon conviction, be fined not less than \$100.00 nor more than \$500.00.

***State law reference**—Comprehensive animal laws, Code of Virginia, § 3.1-796.66 et seq.

(b) Any dog whose activity has caused its owner to be convicted for a violation of this section three previous times may, in the discretion of the court, be ordered destroyed upon activity which results in a fourth or subsequent conviction under this section.

(c) For the purposes of this section, the term "acts in a threatening manner" shall mean growling, baring of the teeth, or barking such as not obviously in a playful manner.
(Code 1973, §§ 3-8, 3-10; Ord. of 4-12-1999)

Sec. 4-44. Dangerous or vicious.

(a) *Definitions.* As used in this section, the following terms shall have the meanings ascribed to them in this subsection:

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal; however, when a dog attacks or bites another dog, the attacking or biting dog shall not be deemed dangerous if no serious physical injury, as determined by a licensed veterinarian, has occurred to the other dog as a result of the attack or bite, or if both dogs are owned by the same person. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on another dog while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful, dog handling event.

Vicious dog means a canine or canine crossbreed that has:

- (1) Killed a person;
- (2) Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health or serious impairment of a bodily function; or
- (3) Continued to exhibit the behavior that resulted in a previous finding by a court or an animal control officer, as authorized by the provisions of subsection (m), that it is a dangerous dog, provided that its owner has been given notice of that finding.

(b) *Summons for owner to appear in court; confinement; court ruling.* Any animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia, § 3.1-796.119.

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(c) *Exemptions.*

- (1) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the town council prohibit the ownership of a particular breed of canine or canine crossbreed.
- (2) No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was:
 - a. Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
 - b. Committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or
 - c. Provoking, tormenting or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.
- (3) No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog.
- (4) No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property shall be found to be a dangerous dog or a vicious dog.

(d) *Registration certificate; tag.* The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the local animal control officer for a fee of \$50.00, or an amount as set by ordinance, but not to exceed the costs incurred by the town to administer this program, in addition to other fees that may be authorized by law. The local animal control officer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(e) *Evidence required for certificate issuance and renewal.* All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current rabies vaccination, if applicable, and that the animal is and will be confined in a proper enclosure, confined inside the owner's residence, or muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that:

- (1) Their residence is, and will continue to be, posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and
- (2) The animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(f) *Confinement on and off property.*

(1) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature.

(2) When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner so as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(g) *When owner is a minor.* If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(h) *Notifying animal control authority.* After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal:

- (1) Is loose or unconfined;
- (2) Bites a person or attacks another animal;
- (3) Is sold, given away or dies; or
- (4) Has been moved to a different address.

(i) *Violation.* The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a class 1 misdemeanor.

(j) *Use of collected fees.* All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the town treasury for the purpose of paying the expenses of any training course required under Code of Virginia, § 3.1-796.104:1.

(k) *Neutering or spaying.* All certificates or renewals thereof required to be obtained under this section shall only be issued to persons 18 years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

(l) *Liability insurance coverage.* All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000.00, that covers animal bites.

(m) *Authority of animal control officer to make determination.* Notwithstanding the provisions of subsection (b), an animal control officer may determine, after investigation, whether a dog is a dangerous dog. If the animal control officer determines that a dog is a

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dangerous dog, he may order the animal's owner to comply with the provisions of this section. If the animal's owner disagrees with the animal control officer's determination, he may appeal the determination to the general district court for a trial on the merits.

(Code 1973, § 3-9)

State law reference—Similar provisions, Code of Virginia, § 3.1-796.93:1.

Chapter 5

RESERVED

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

- Sec. 6-1. Compliance with chapter.
- Sec. 6-2. State building code.
- Sec. 6-3. Building official.
- Sec. 6-4. Fire limits.
- Sec. 6-5. Building permit—Required; duration.
- Sec. 6-6. Same—Application.
- Sec. 6-7. Same—Fees.
- Sec. 6-8. Same—Issuance or denial.
- Sec. 6-9. Action of building official subject to council review.
- Secs. 6-10—6-40. Reserved.

Article II. Construction and Maintenance Standards

Division 1. Generally

- Sec. 6-41. Design, construction and materials.
- Sec. 6-42. Unsafe buildings.
- Secs. 6-43—6-60. Reserved.

Division 2. Building Maintenance Code

- Sec. 6-61. Short title.
- Sec. 6-62. Enforcing agency.
- Sec. 6-63. Enforcement procedures.
- Sec. 6-64. Appeals.
- Sec. 6-65. Administrative procedures.

***Cross references**—Laying of materials in streets during construction, § 24-6; building sewers and connections, § 32-71 et seq.

State law references—Access to and use of buildings by disabled, Code of Virginia, § 2.2-1159; removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906 et seq.; light, ventilation, sanitation, use and occupancy of buildings, Code of Virginia, § 15.2-1117; ordinance regulating the building of houses, Code of Virginia, § 15.2-2279; limitation of prosecutions of building code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of building code on other building regulations, Code of Virginia, § 36-98; provisions of building code, Code of Virginia, § 36-99; enforcement of building code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq.; local licensing of certain contractors, Code of Virginia, § 54.1-1117.

BUILDINGS AND BUILDING REGULATIONS

§ 6-6

ARTICLE I. IN GENERAL

Sec. 6-1. Compliance with chapter.

Any person who shall violate or fail to comply with any provision of this chapter shall be punished as provided in section 1-9.

(Code 1973, § 4-11)

Sec. 6-2. State building code.

The Virginia Uniform Statewide Building Code, as amended, is adopted as a part of this section as if set out at length in this section.

Sec. 6-3. Building official.

(a) The building official shall be the person appointed or designated by the town council to administer and enforce the provisions of this chapter and, unless otherwise provided by state law, the provisions of state law applicable within the town relating to the construction, addition to, alteration, removal and demolition of buildings and structures.

(b) The building official is hereby vested with authority to inspect the interior and exterior of buildings and other structures, work being done upon or within buildings and other structures and the removal and demolition of buildings and other structures as may be necessary for the performance of the duties imposed upon him in subsection (a).

(Code 1973, § 4-1)

Cross reference—Officers and employees, § 2-101 et seq.

Sec. 6-4. Fire limits.

The fire limits of the town are established as the corporate limits of the town.

(Code 1973, § 4-2)

Sec. 6-5. Building permit—Required; duration.

It shall be unlawful to construct, add to, alter, remove or demolish, or to commence the construction, addition, alteration, removal or demolition of, a building or structure or install equipment for the operation of a building or structure without first filing with the building official an application in writing and obtaining from the building official a permit so to do. Any permit so issued shall be valid for the period of time stated therein, which shall not be longer than one year from the date of issuance.

(Code 1973, § 4-4)

Sec. 6-6. Same—Application.

Each application for a building permit required by section 6-5 shall contain or shall have appended thereto such plans, specifications and other information as may be required by the

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building official to enable him to determine what work is proposed to be done, the materials to be used, the method of doing the work, the standards to be met, and whether or not the project meets all requirements of state law, this Code and other ordinances.

(Code 1973, § 4-5)

Sec. 6-7. Same—Fees.

To the extent not prohibited by state law, the town council may, by ordinance or resolution, establish and from time to time amend a schedule of fees for the issuance and amendment of building permits required by section 6-5. Any fee provided by state law or by ordinance or resolution of the town council which may be required for the issuance of a town building permit shall be paid to the building official, along with the application for permit.

(Code 1973, § 4-6)

Sec. 6-8. Same—Issuance or denial.

Upon a proper application for a building permit having been filed and the payment of the permit fee, if any, the building official shall determine whether or not the project which is the subject of the application meets all requirements of state law, this Code and other ordinances; and for this purpose, the building official may make such inspections and investigations and confer with such other town and county officers as may be appropriate. If satisfied that the project meets such requirements, the building official shall issue the permit; otherwise, he shall deny the permit and refund the fee, if any, which has been paid; provided, that the building official may allow such application to be amended so as to make it conform to all requirements of state law, this Code and other ordinances.

(Code 1973, § 4-7)

Sec. 6-9. Action of building official subject to council review.

Subject to the applicable provisions of state law, any action relating to a building permit which may be taken by the building official shall be subject to review by the town council, which may, by a majority vote of its membership, reverse the decision of the building official.

(Code 1973, § 4-8)

Secs. 6-10—6-40. Reserved.

ARTICLE II. CONSTRUCTION AND MAINTENANCE STANDARDS

DIVISION 1. GENERALLY

Sec. 6-41. Design, construction and materials.

(a) On and after the effective date of the Uniform Statewide Building Code, all buildings or other structures which are to be constructed or installed anywhere within the town, and all electrical wiring, apparatus and appliances; all gas systems, apparatus and appliances; as well

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as all plumbing systems and fixtures which are to become a part of or are to be used within any such new building or other structure shall conform to the standards and specifications of design, construction and materials in such code.

(b) On and after the effective date of the Uniform Statewide Building Code, all buildings and other structures anywhere within the town, and all electrical wiring, apparatus and appliances; all gas systems, apparatus and appliances; as well as all plumbing systems and fixtures which are a part of or are used within any such old building or other structure, which are to be altered or enlarged shall, with respect to such alteration or enlargement, conform to the standards of design, construction and materials in such code; provided, that any repair of any such old building, structure, apparatus, appliance, fixture, electric wiring or gas system costing 50 percent or more of the value of the thing repaired shall be deemed to be an alteration within the meaning of this subsection.

(c) Notwithstanding subsections (a) and (b), it is mandatory that the provisions of the Uniform Statewide Building Code and the state fire hazards law (Code of Virginia, tit. 27) be complied with, and that plumbing standards within the town be not lower than those established by the state board of health.

(Code 1973, § 4-10)

State law reference—Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.

Sec. 6-42. Unsafe buildings.

All buildings, structures or premises which are unsafe or unsanitary, or which constitute a fire hazard or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to the public safety, health, or the general welfare, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally in contemplation of this section, unsafe premises. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

- (1) Whenever the building official shall find any building, structure or premises, or portion thereof, to be unsafe, he shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such building, structure or premises written notice stating the defects thereof. This notice shall require the owner, within a stated time of not less than ten days nor more than 90 days, to either complete specified repairs or improvements to unsafe buildings, structures or premises, or to demolish and remove unsafe buildings or structures, or portions thereof.
- (2) If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall cause to be posted, at each entrance to any unsafe building, a notice: "This building is unsafe and its use or occupancy has been prohibited by the building official." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person or his agents or other

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servants to remove such notice without written permission of the building official, or for any person to enter the building, except for the purpose of making the required repairs or of demolishing such building.

- (3) The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the building official, as provided in this section, and to appear before the town council, at a specified time and place, to show cause why he should not comply with the notice.
- (4) In case the owner, agent or person in control cannot be found within the stated time limit, or, if such owner, agent or person in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or remove hazards to human life from any premises or to repair, improve or demolish and remove any unsafe building or structure, or portion thereof, the building official, after having competitively ascertained the cost, shall cause such building, structure, premises or portion thereof to be repaired, improved, vacated or demolished and removed.
- (5) The decision of the building official shall be final in cases of emergency which, in his opinion, involve imminent danger to human life or health. He shall promptly cause any unsafe premises, building, structure or portion thereof to be made safe or removed. For this purpose, he may at once enter such structure, or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. The building official may vacate adjacent structures and protect the public by an appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.
- (6) Costs incurred under subsections (1) through (5) shall be charged to the owner of the premises, such cost to be a lien upon the property, and shall be collectable in the same manner as town taxes levied upon real estate are collected.

(Ord. of 6-8-1987(1))

Cross reference—Environment, ch. 12.

Secs. 6-43—6-60. Reserved.

DIVISION 2. BUILDING MAINTENANCE CODE

Sec. 6-61. Short title.

This division may be known and referred to as the "Town of Alberta Maintenance Code."
(Ord. of 9-9-1996; Ord. of 5-10-2004)

Sec. 6-62. Enforcing agency.

The county building department is hereby designated to act as the enforcing agency for the enforcement of the Virginia Uniform Statewide Building Code, Parts I and III, sections 125.0, 126.0 and 127.0 et seq., and the therein referenced International Property Maintenance Code

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duly adopted by the state board of housing and community development under the authority of Code of Virginia, §§ 36-98, 36-103. Enforcement shall be according to the terms of this division.

(Ord. of 9-9-1996, § 1; Ord. of 9-9-2002, § 1; Ord. of 5-10-2004, § 1)

Sec. 6-63. Enforcement procedures.

The enforcement procedures of the building maintenance provisions shall be instituted by the code official, or other qualified building/code enforcement official as designated by the town council, and administered in accordance with the provisions set forth in section 6-65.

(Ord. of 9-9-1996, § 2; Ord. of 5-10-2004, § 2)

Sec. 6-64. Appeals.

The county board of building code appeals is hereby designated as the appeals board to hear appeals from the application of the provisions of the building maintenance code.

(Ord. of 9-9-1996, § 3; Ord. of 5-10-2004, § 3)

Sec. 6-65. Administrative procedures.

The code official shall establish such procedures or requirements as may be necessary for the administration and enforcement of this division. The procedures are to be approved by the town.

(Ord. of 9-9-1996, § 4; Ord. of 5-10-2004, § 4)

Chapter 7

RESERVED

Chapter 8

BUSINESSES*

Article I. In General

Secs. 8-1—8-30. Reserved.

Article II. Licenses

- Sec. 8-31. State laws.
- Sec. 8-32. Conducting business without license prohibited.
- Sec. 8-33. License ordinance; on file and available for public inspection.
- Sec. 8-34. Application—Content; verification; tender of license tax.
- Sec. 8-35. Same—False statements.
- Sec. 8-36. Effective periods.
- Sec. 8-37. Recordkeeping; report to town council.
- Sec. 8-38. Designation of place of business; engaging in business at undesignated location.
- Sec. 8-39. Payment of tax on more than one business.
- Sec. 8-40. Personal privilege to transact business.
- Sec. 8-41. Separate licenses for members of firm practicing profession or calling.
- Sec. 8-42. Assignment.
- Sec. 8-43. Effect of change in partners or name of firm.
- Sec. 8-44. Alteration upon change in place of business.
- Sec. 8-45. Display required for police inspection.
- Sec. 8-46. Suspension and revocation.

***Cross references**—Taxation, ch. 28; utilities, ch. 32.

State law references—Sale of ice cream and similar products, state preemption, Code of Virginia, § 3.1-562.4; going out of business sales, Code of Virginia, §§ 18.2-223, 18.2-224; local licensing of bail bondsmen, Code of Virginia, § 19.2-152.1; professions and occupations, Code of Virginia, tit. 54.1; local regulation of precious metals dealers, Code of Virginia, § 54.1-4111; records of firearms dealers, Code of Virginia, § 54.1-4200 et seq.; local license taxes, Code of Virginia, § 58.1-3700 et seq.; enforcement, collection, refunds, remedies and review of local taxes, Code of Virginia, § 58.1-3900 et seq.

BUSINESSES

§ 8-34

ARTICLE I. IN GENERAL

Secs. 8-1—8-30. Reserved.

ARTICLE II. LICENSES

Sec. 8-31. State laws.

Code of Virginia, §§ 58.1-3700.1, 58.1-3703.1, as now or hereafter amended, are adopted as a part of this section as if set out at length in this section. Such provisions are designated to be a part of the license ordinance.

Sec. 8-32. Conducting business without license prohibited.

It shall be unlawful for any person, within the town, to engage in any business, trade, occupation, calling, profession, vocation or activity for which a town license is required or upon which a town license or privilege tax is levied, assessed, imposed or defined in the license ordinance without having a currently valid town license so to do and without having paid to the town the license or privilege tax so levied, assessed or imposed.

(Code 1973, § 7-1)

Sec. 8-33. License ordinance; on file and available for public inspection.

(a) For the purposes of this article, the term "license ordinance" shall mean those ordinances, collectively, not codified in or made a part of any other chapter of this Code, which levy, assess, impose or define any license or privilege tax upon persons engaged in any business, trade, occupation, profession, calling, vocation or activity within the town or require a town license so to do, and ordinances amendatory thereof.

(b) Each such ordinance and amendatory ordinance which constitutes a part of the license ordinance shall be retained on file in the office of the town clerk and treasurer for so long as it remains in effect, and shall there be available to the public for inspection and use during all regular business hours.

(Code 1973, § 7-2)

Sec. 8-34. Application—Content; verification; tender of license tax.

(a) Application for any license required by the license ordinance shall be made to the town clerk and treasurer, unless otherwise provided therein, on a form provided by the town, and shall disclose, among other things:

- (1) Name, business address within the town, residence address, and age of the applicant.
- (2) Type of license being applied for, and the locations within the town where the licensed activities will be conducted.

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(3) Such other information as may reasonably be necessary to determine whether the license being applied for should be granted, the amount of the license tax, and the conditions, if any, under which the licensed activity shall be conducted.

(b) Each application shall be verified under oath by the person seeking to be licensed; and if such person be a corporation or firm, by an officer thereof.

(c) At the time of applying for a license, the applicant shall tender the full amount of the license tax imposed by the license ordinance.

(Code 1973, § 7-3)

Sec. 8-35. Same—False statements.

It shall be unlawful for any person applying for a town license to knowingly make any false statement in his application, or for any licensee to knowingly make any false statement in any report or return required by state law, this chapter or the license ordinance.

(Code 1973, § 7-4)

Sec. 8-36. Effective periods.

Except as may be provided otherwise in the license ordinance as to any class of licenses, all licenses not issued for one day, one week or other specified period of time shall be for the period beginning with the date of issuance and expiring with the expiration of the next succeeding 31st day of December; and renewals thereof shall be for one year beginning January 1 and expiring with the expiration of the next succeeding 31st day of December.

(Code 1973, § 7-5)

Sec. 8-37. Recordkeeping; report to town council.

It shall be the duty of the town clerk and treasurer to keep a classified record of all businesses and occupations upon which license taxes are imposed, the names of persons assessed, the periods for which licenses were issued, and the amount of the tax. This record shall be presented to the town council on April 1 of each year and at such other times as may be required by the town council or by any committee thereof.

(Code 1973, § 7-6)

State law reference—Time for preparation of town budgets, Code of Virginia, § 15.2-2503.

Sec. 8-38. Designation of place of business; engaging in business at undesignated location.

Every license granting authority to engage in or exercise any business, employment or profession, unless expressly authorized otherwise in the license ordinance, shall designate the place of such business, employment or profession at some specified building or other definite place within the town. Engaging in or exercising any such license, business, employment or profession elsewhere than at such building or definite place, unless expressly authorized

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otherwise by the license ordinance, shall be held to be without license. A license which does not specify such building or definite place where business, employment or profession is limited thereto by law shall be void.

(Code 1973, § 7-8)

Sec. 8-39. Payment of tax on more than one business.

When any person is engaged in more than one business which is, made by the license ordinance, subject to taxation, such person shall pay the tax as provided by the license ordinance on each branch of the business.

(Code 1973, § 7-9)

Sec. 8-40. Personal privilege to transact business.

Every license shall be held to confer a personal privilege to transact the business, employment or profession which may be the subject of the license and shall not be exercised except by the person licensed, unless specially authorized by the license ordinance to do so.

(Code 1973, § 7-10)

Sec. 8-41. Separate licenses for members of firm practicing profession or calling.

A separate license shall be obtained by each member of a firm or company of persons practicing any profession or calling which is regulated by the laws of this state, for the practicing of which profession or calling a license is required by the license ordinance.

(Code 1973, § 7-11)

Sec. 8-42. Assignment.

A license other than to authorize the conduct of a profession may be assigned to any person to whom it might have been originally granted and, in the event of the death of the licensee, the license may be assigned by his personal representative in like effect as might have been done by the licensee himself. If the license was obtained, or had its validity by reason of a certificate of any court, or of any oath or bond, the assignment shall not be valid without a like certificate in favor of the assignee and a like oath or bond by the assignee as was required for the original grant. A license, when assigned, shall be a personal privilege to the assignee and shall not be exercised by any person other than the assignee, unless otherwise authorized by this chapter or the license ordinance. If the license tax already paid by the assignor is less than the license tax which would be assessable against the assignee but for the assignment, an additional license tax shall be paid by the assignee equal to the difference between the tax paid on the assigned license and the license tax which would be otherwise assessable against the assignee.

(Code 1973, § 7-12)

Sec. 8-43. Effect of change in partners or name of firm.

No change in the name of a firm nor the taking in of a new partner nor the withdrawal of one or more of the firm shall be considered as commencing business, but if any one or more of the partners remain in the firm, the business shall be regarded as continuing; and if they dissolve and one or more of the partners continue business, any tax on the purchases, sales or profits of the business, which might otherwise be chargeable to the firm, may be apportioned among them according to the justice of the case.

(Code 1973, § 7-13)

Sec. 8-44. Alteration upon change in place of business.

When a person has obtained a license to carry on any business, employment or profession at any definite place in the town and desires to remove to any other place in the town and wishes his license altered accordingly, the town clerk and treasurer shall make such alteration, subject, however, to the provisions of chapter 34, pertaining to zoning.

(Code 1973, § 7-14)

Sec. 8-45. Display required for police inspection.

Each license tax receipt or other certificate showing the payment of a license tax imposed by the license ordinance is to be displayed in a conspicuous place at the licensee's regular place of business or profession in order that any police officer of the town may inspect it at any and all reasonable times. All agents, solicitors, vendors, truck drivers, drivers of cars for hire and, in short, all licensees who have or maintain no regular place of business shall either carry with them on their person or have affixed or attached to their truck, automobile or other vehicle such license receipt or certificate, and promptly display it when called upon by any police officer of the town to do so. Any agent, servant or employee of such agents, solicitors, vendors, truck owner or owners of any automobile for hire shall, when transacting the business of his principal, either display or have on his person such license receipt or certificate so that it can and will be shown to any police officer of the town when called upon to exhibit such license. No license tax receipt based on volume of business shall be required to be publicly displayed.

(Code 1973, § 7-15)

Sec. 8-46. Suspension and revocation.

Any license issued pursuant to this Code or the license ordinance, except as may be otherwise provided, may be revoked or suspended by the town council, or may be suspended by the issuing officer for not more than 30 days at any one time, for good cause and, if so requested by the licensee, after a public hearing at which the licensee may be present with counsel and may have process for the attendance of witnesses and the production of books and papers. "Good cause," within the meaning of this section, shall include, but not be limited to:

- (1) Suspension or revocation by the state of the licensee's corresponding state license.
- (2) Any condition which, if existing at the time of issuance of the license, would have been a bar to the issuance of the license.

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- (3) Any violation of a requirement, condition or limitation of the statute or ordinance under which the license was issued or as contained in the license.
 - (4) Any fraud perpetrated or attempted by the licensee in the conduct of his licensed business.
 - (5) Failure of the premises to which the license relates to meet the requirements of the applicable state or town building regulations or regulations governing the health, sanitation or safety of such premises.
- (Code 1973, § 7-16)

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Chapter 10

ELECTIONS*

- Sec. 10-1. Extension of terms for mayor and councilmembers; commencement of newly elected positions.

***Charter reference**—Elections, vacancies, §§ 3.1 et seq., 5.1.

Cross reference—Administration, ch. 2.

State law reference—Elections, Code of Virginia, tit. 24.2.

ELECTIONS

§ 10-1

Sec. 10-1. Extension of terms for mayor and councilmembers; commencement of newly elected positions.

Pursuant to Code of Virginia, § 24.2-222.1:

- (1) Municipal elections for the office of mayor and members of town council shall be changed from May of even-numbered years to the November general elections commencing November 5, 2002, and in even-numbered years thereafter.
- (2) The date for the election of those council positions subject to expire June 30, 2002, shall be extended to December 31, 2002, and the date for the next election of those council positions subject to election shall be extended to November 5, 2002, and then every regular November election every four years thereafter.
- (3) The terms of the remaining councilmembers subject to expire June 30, 2001, shall be extended to December 31, 2004, and the date for the next election for those offices shall be the regular November election date in 2004, and then every regular November election every four years thereafter, so as to retain the staggered terms of office.
- (4) The date for the election of the mayor position subject to expire June 30, 2002, shall be extended to December 31, 2002, and the date for the next election of the mayor position subject to election shall be extended to November 5, 2002, and then every regular November election every two years thereafter.
- (5) The mayor and councilmembers shall continue to serve beyond the current expiration date of their respective terms of June 30 until their successors have been elected and qualified to serve.
- (6) The terms of the newly elected councilmembers and mayor, as applicable, shall commence on January 1 following the election.

(Ord. of 9-10-2001)

Chapter 11

RESERVED

Chapter 12

ENVIRONMENT*

Article I. In General

Secs. 12-1—12-30. Reserved.

Article II. Noise

Sec. 12-31. Abatement.
Secs. 12-32—12-60. Reserved.

Article III. Nuisances

Division 1. Generally

Sec. 12-61. Article provisions supplemental.
Sec. 12-62. Prohibited.
Sec. 12-63. Enumerated; list not exclusive.
Sec. 12-64. Maintenance of premises by owners and occupants.
Secs. 12-65—12-90. Reserved.

Division 2. Abatement

Sec. 12-91. Inspections, investigations and complaints.
Sec. 12-92. Right of entry upon private premises; advance notice to occupants.
Sec. 12-93. Notice to cease and desist.
Sec. 12-94. Notice to abate; appeal.
Sec. 12-95. Action by town upon failure to abate.
Sec. 12-96. Right of police to make arrests.

***Cross references**—Animals, ch. 4; dangerous or vicious animals, § 4-1; unsafe buildings, § 6-42; health and sanitation, ch. 16; manufactured homes and trailers, ch. 18; streets, sidewalks and other public places, ch. 24; subdivisions, ch. 26; utilities, ch. 32; grease, oil and sand interceptors, § 32-104; zoning, ch. 34.

State law references—Erosion and sediment control, Code of Virginia, § 10.1-560 et seq.; local stormwater management programs, Code of Virginia, § 10.1-603.3; local air pollution ordinances, Code of Virginia, § 10.1-1321; abatement or removal of nuisances, Code of Virginia, §§ 15.2-900, 15.2-1115; nuisances generally, Code of Virginia, tit. 48.

ENVIRONMENT

§ 12-61

ARTICLE I. IN GENERAL

Secs. 12-1—12-30. Reserved.

ARTICLE II. NOISE

Sec. 12-31. Abatement.

(a) It shall be unlawful for any person to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud or disturbing noise in the town, except in giving an alarm of fire or emergency. Noise of such character, intensity and duration as to be detrimental to the public health, welfare, peace and dignity is also prohibited.

(b) The following acts, among others, are hereby declared to be loud, disturbing or unreasonable noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) Keeping any animal or bird which, by causing frequent or long continued noise, shall disturb the quiet, comfort or repose of persons in the vicinity.
- (2) Playing any radio, tape player, compact disk player, phonograph or musical instrument or device on public streets, property or public ways, or in or on a motor vehicle in a residential or business area, in a manner which disturbs the quiet, comfort or repose of persons in the vicinity; provided, however, this subsection shall not apply to events located on or within public facilities when such events are permitted by any appropriate town, county, state or federal agency.

(c) Any person who violates any provision of this section shall be guilty of a class 3 misdemeanor.

(Code 1973, §§ 10-16, 10-17; Ord. of 9-12-1994)

Secs. 12-32—12-60. Reserved.

ARTICLE III. NUISANCES

DIVISION 1. GENERALLY

Sec. 12-61. Article provisions supplemental.

Various nuisances are defined and prohibited in other chapters of this Code, and it is the intent of the town council in enacting this article to make it supplemental to those other chapters in which nuisances are defined and prohibited; and the provisions of this article relating to the abatement of nuisances shall be regarded as alternative methods and procedures for the abatement of nuisances in those instances where other methods and procedures for abatement are provided.

(Code 1973, § 9-1)

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Sec. 12-62. Prohibited.

It shall be unlawful for any person to cause, harbor, commit or maintain, or to suffer to be caused, harbored, committed or maintained, any nuisance, as defined by the statute or common law of this state or as defined by this Code or other ordinance of the town, at any place within the town or at any place within the area surrounding the town and within one mile of the town limits.

(Code 1973, § 9-2)

State law reference—Exercise of police powers beyond town limits, Code of Virginia, §§ 15.2-1724, 15.2-1727, 19.2-250.

Sec. 12-63. Enumerated; list not exclusive.

(a) The following acts, when committed, or conditions, when existing, within the town or area surrounding the town and within one mile of the town limits are hereby defined and declared to be nuisances:

- (1) An act done or committed, or aided or assisted to be done or committed, by any person or any substance, being or thing kept, maintained, placed or found in or upon any public or private place, which is injurious or dangerous to the public health or safety.
- (2) All buildings, bridges or other structures of whatever character kept or maintained, or which are permitted by any person owning or having control thereof to be kept or maintained, in a condition unsafe, dangerous, unhealthy, injurious or disturbing to the public.
- (3) All trees and other appendages of or to realty kept or maintained, or which are permitted by any person owning or having control thereof to be kept or maintained, in a condition unsafe, dangerous, unhealthy, injurious or disturbing to the public.
- (4) All ponds or pools of stagnant water, and all foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, public place or lot, to the injury or disturbance of the public.
- (5) All obstructions caused or permitted on any street or sidewalk to the danger or disturbance of the public; and all stones, rubbish, dirt, filth, slops, vegetable matter or other article thrown or placed by any person on or in any street, sidewalk or other public place which in any way may cause any injury or disturbance to the public.
- (6) All sidewalks, gutters or curbstones permitted to remain in an unsafe condition or out of repair.
- (7) All stables, cattle yards, hog, sheep or cow pens or yards for poultry permitted by the owner thereof or the person responsible therefor to be in such a condition as to become offensive, disturbing or injurious to the public.
- (8) All houses or buildings used for special storage of powder, dynamite or other explosive or flammable substances or liquids or for the special storage of noxious gases when maintained contrary to law or in such manner as to constitute a hazard to the public health or safety.

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(9) Any slaughterhouse, soap factory or candle factory maintained without a written permit from the town council or which is located, maintained or operated contrary to any provision of state law, this Code or other ordinance of the town.

(b) The nuisances described in this section shall not be construed as exclusive; and any act of commission or omission and any condition which constitutes a nuisance by statute or common law of the state, when committed, omitted or existing within the town or within the area surrounding the town and within one mile of the town limits, is hereby declared to constitute a nuisance.

(Code 1973, § 9-3)

Cross references—Duty of owner to cut and remove tall grass and weeds visible from street; action by town upon failure to comply, § 16-4.

Sec. 12-64. Maintenance of premises by owners and occupants.

(a) No person owning or in possession of any lot, house, building or enclosure shall allow or suffer to exist, in or upon such premises, any stagnant water, animal or vegetable matter or other substance liable to become putrid, offensive, disturbing or unhealthy. Persons owning or in possession of any real estate shall provide proper and adequate drainage therefor so that no offensive, baneful or disagreeable liquids shall flow or seep into any street, sidewalk or public place or unto the property of another. Any violation of this subsection shall constitute a nuisance.

(b) No person owning or in possession of any house, building or enclosure shall suffer or allow to exist, in or upon such premises, any carcass, filth, garbage, waste or other substance or liquid which in any manner constitutes a hazard to the health or safety of the public. Any violation of this subsection shall constitute a nuisance.

(Code 1973, § 9-4)

Secs. 12-65—12-90. Reserved.

DIVISION 2. ABATEMENT*

Sec. 12-91. Inspections, investigations and complaints.

It shall be the duty of the chief of police to cause inspections to be made from time to time of all portions of the town and the area surrounding the town and within one mile of the town limits to determine whether any condition exists or activity is being practiced which constitutes a nuisance; and he shall cause an investigation to be made upon complaint made by any responsible person.

(Code 1973, § 9-5)

State law references—Powers and duties of police force, Code of Virginia, § 15.2-1704; territorial jurisdiction, Code of Virginia, § 19.2-250.

***State law reference**—Abatement or removal of nuisances, Code of Virginia, §§ 15.2-900, 15.2-1115.

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Sec. 12-92. Right of entry upon private premises; advance notice to occupants.

Police officers shall have the right to enter upon private premises for the purposes specified in section 12-91 upon compliance with all applicable provisions of law. Unless it appears probable that advance warning would defeat the purpose of such entry, occupants of premises to be entered shall be given reasonable notice in advance; and, in any case, it shall be unlawful for any owner or occupant to prevent such entry which is sought, to be made in compliance with law.

(Code 1973, § 9-6)

Sec. 12-93. Notice to cease and desist.

If at any time the chief of police shall find that an activity or practice which constitutes a nuisance is occurring within the town or within the area within one mile of the town limits, he shall promptly, and by the most expeditious means, notify the violator to cease and desist forthwith.

(Code 1973, § 9-7)

Sec. 12-94. Notice to abate; appeal.

If at any time the chief of police shall find that a condition which constitutes a nuisance exists within the town or within the area surrounding the town and within one mile of the town limits, he shall give notice in writing to the owner, occupant or person in charge of the premises upon which such condition exists, stating therein the condition which constitutes a nuisance and directing such addressee to remedy the condition within the time stated in such notice, which shall be not more than ten days; and it shall be unlawful for any such owner, occupant or person in charge to fail to comply with the terms of such notice; provided, that any owner, occupant or person in charge may, within two days from the service thereof, appeal to the town council, in which case the terms of such notice shall be stayed pending action of the town council, which shall be final; provided further, that if the chief of police shall state in such notice that the condition which constitutes a nuisance is such as to be an imminent hazard to the health, safety or welfare of the public or any person within or near the premises upon which such nuisance exists, then the addressee shall comply with the terms of such notice.

(Code 1973, § 9-8)

Sec. 12-95. Action by town upon failure to abate.

(a) Upon the failure of any person to whom notice has been given, pursuant to section 12-94, to comply with the terms of such notice or with the terms imposed by the town council on appeal, as the case may be, the chief of police shall forthwith notify the mayor, who may direct the appropriate town officer to remedy the condition which is the subject of such notice; and the expense incurred by the town in so doing shall be charged to the addressee of such notice, to be collected in any manner provided by law; and such expenses shall constitute a lien upon the premises where such condition occurred, to be collected as town taxes are collected if not otherwise first paid to the town.

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(b) Abatement by the town of any condition which constitutes a nuisance and reimbursement to the town of expenses incurred thereby shall not bar prosecution for maintenance of a nuisance.

(Code 1973, § 9-9)

Sec. 12-96. Right of police to make arrests.

Nothing in this division shall be construed to prohibit any police officer from arresting any person for committing or maintaining a nuisance when such arrest is made pursuant to law.

(Code 1973, § 9-10)

Chapter 13

RESERVED

Chapter 14

FIRE PREVENTION AND PROTECTION*

Article I. In General

Secs. 14-1—14-30. Reserved.

Article II. Fire Department

Division 1. Generally

- Sec. 14-31. Recognition as part of official safety program.
- Sec. 14-32. Composition.
- Sec. 14-33. Appointment of members; requirements and preferences.
- Sec. 14-34. Officers—Fire chief; fire marshal.
- Sec. 14-35. Same—Other appointments.
- Sec. 14-36. Chain of command; obedience to orders.
- Sec. 14-37. Suspension or discharge of members.
- Sec. 14-38. Powers and duties of fire chief.
- Sec. 14-39. Fire companies.
- Sec. 14-40. Police powers of members.
- Sec. 14-41. Issuance of badges and motor vehicle insignia.
- Sec. 14-42. Police officers to assist.
- Secs. 14-43—14-60. Reserved.

Division 2. Property

- Sec. 14-61. Required equipment; recommendation of types needed; purchase.
- Sec. 14-62. Housing.
- Sec. 14-63. Alarm equipment for citizen use.
- Sec. 14-64. Use without authority prohibited.
- Secs. 14-65—14-100. Reserved.

***Cross reference**—Fire lanes on private property devoted to public use, § 30-7.

State law references—Forest resources and department of forestry, Code of Virginia, § 10.1-1100 et seq.; removal, repair, etc. of dangerous structures, Code of Virginia, § 15.2-906; smoke detectors, Code of Virginia, § 15.2-922; appropriations, loans for voluntary firefighting organizations, rescue squads, etc., Code of Virginia, § 15.2-953 et seq.; explosive and inflammable substances, fireworks, Code of Virginia, § 15.2-1113; fuel-burning equipment, Code of Virginia, § 15.2-1116; regulation of making of fires, Code of Virginia, § 15.2-1118; false fire alarms, Code of Virginia, § 18.2-212; fire protection generally, Code of Virginia, tit. 27; furnishing fire protection beyond territorial limits, Code of Virginia, § 27-1 et seq.; fire/EMS departments and fire/EMS companies, Code of Virginia, § 27-6.1 et seq.; ordinances as to fire/EMS departments, etc., Code of Virginia, § 27-14; local fire marshals, Code of Virginia, § 27-30 et seq.; relief for firefighters and dependents, Code of Virginia, § 27-39 et seq.; mobilization of firefighters during state of war, Code of Virginia, § 44-152 et seq.; explosives, Code of Virginia, § 59.1-137 et seq.

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Article III. Prevention

- Sec. 14-101. State fire prevention code.
- Sec. 14-102. Permit required to display fireworks.
- Sec. 14-103. Bonfires and outdoor rubbish fires.
- Sec. 14-104. Smoking prohibited under certain conditions.
- Sec. 14-105. Use of torches for removing paint and sweating pipe joints.
- Sec. 14-106. Hot ashes, coals, and greasy substances capable of igniting.
- Sec. 14-107. Accumulation of waste materials.
- Sec. 14-108. Readily combustible materials—Handling.
- Sec. 14-109. Same—Storage.
- Sec. 14-110. Flammable decorative materials in buildings of mercantile and institutional occupancy.
- Sec. 14-111. Storage or display of combustibles in roof-over malls.
- Sec. 14-112. Open flames, lights; heating apparatus; kindling of fire.
- Sec. 14-113. Maintenance of chimneys, heat producing appliances and exhaust systems.
- Sec. 14-114. Enforcement; inspections; notice to abate fire hazards.

FIRE PREVENTION AND PROTECTION

§ 14-34

ARTICLE I. IN GENERAL

Secs. 14-1—14-30. Reserved.

ARTICLE II. FIRE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 14-31. Recognition as part of official safety program.

The fire department is hereby recognized as an integral part of the official safety program of the town within the purview of Code of Virginia, § 9.1-400.

(Code 1973, § 5-15)

State law reference—Line of Duty Act, Code of Virginia, § 9.1-400 et seq.

Sec. 14-32. Composition.

The fire department shall consist of a chief, assistant chief, captain, two lieutenants and such other personnel as the chief and the town council may from time to time deem necessary for the effective operation of the department.

(Code 1973, § 5-14)

Sec. 14-33. Appointment of members; requirements and preferences.

The membership of the fire department, below the grade of chief, shall consist of such persons as may be appointed by the chief and shall be able-bodied citizens. Determination of whether candidates for appointment are able-bodied shall be made by the chief after a medical and physical examination has been made in a manner prescribed by the chief and approved by the council.

(Code 1973, § 5-16)

Sec. 14-34. Officers—Fire chief; fire marshal.

(a) The chief of the fire department, who may be referred to as the fire chief, shall be appointed by the town council for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency. The chief shall be technically qualified by training and experience. He shall be removed only for just cause and after a public hearing before the town council.

(b) The fire chief shall be held accountable only to the town council, and he shall make such written and verbal reports to the council as the council may require.

(c) The fire chief shall be ex officio fire marshal of the town and, as such, he shall have the powers and perform the duties prescribed for local fire marshals in Code of Virginia, § 27-30 et seq.

(Code 1973, § 5-18)

Cross reference—Officers and employees, § 2-101 et seq.

State law references—General powers and duties of local fire chiefs and other fire/EMS department officers in charge when answering alarm or operating at an emergency incident, Code of Virginia, § 27-15.1; oath of office of local fire marshals and assistant fire marshals, Code of Virginia, § 27-37.

Sec. 14-35. Same—Other appointments.

The assistant chief and all other fire department and company officers shall be appointed by the fire chief. Such officers shall be accountable only to the chief and subject to removal by him. (Code 1973, § 5-19)

Sec. 14-36. Chain of command; obedience to orders.

The chain of command within the fire department shall descend from the fire chief to the assistant fire chief, to the captain and lieutenants, and to such other officers and persons authorized by the town council to exercise command, to the firefighters, in order of rank and seniority within rank; and it shall be unlawful for any member of the fire department to refuse or fail to obey any lawful order given him by a person superior to him in the chain of command. (Code 1973, § 5-20)

Sec. 14-37. Suspension or discharge of members.

Any member of the fire department may be suspended or discharged from the department by the fire chief at any time the chief may deem such action necessary for the good of the department. On written request of such member to the town council, the member shall be given a public hearing on the charges brought by the chief, and the decision of the council shall be final.

(Code 1973, § 5-21)

Sec. 14-38. Powers and duties of fire chief.

The chief of the fire department shall have the following powers and duties:

- (1) Formulate a set of rules and regulations to govern the department and be responsible to the town council for the personnel, morale and general efficiency of the department.
- (2) At least once a month, conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the town, fire prevention, water supplies and all other matters generally considered essential to good firefightership and safety of life and property from fire.
- (3) Assist the proper authorities in suppressing the crime of arson by investigating, or causing to be investigated, the cause, origin and circumstances of all fires.
- (4) See that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department.
- (5) Report monthly, to the members of the department, the conditions of the apparatus and equipment, the number of fires during the month, their location and cause, the

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date thereof and loss occasioned thereby, the number and purpose of all other runs made, the number of members responding to each fire or other run and any changes in membership.

- (6) Make a complete annual report to the town council and the members of the department within one month after the close of the fiscal year, such report to include the information specified in subsection (5), together with comparative data for previous years and recommendations for improving the effectiveness of the department.

(Code 1973, § 5-22)

Sec. 14-39. Fire companies.

The fire chief shall determine the number and kind of companies of which the fire department is to be composed and shall determine the response of such companies to alarms.

(Code 1973, § 5-17)

Sec. 14-40. Police powers of members.

All regularly appointed members of the fire department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this chapter.

(Code 1973, § 5-23)

Sec. 14-41. Issuance of badges and motor vehicle insignia.

Each member of the fire department shall be issued a badge designating his rank and a suitable insignia to be attached to his motor vehicle.

(Code 1973, § 5-25)

Sec. 14-42. Police officers to assist.

It is hereby made a special duty of the chief of police or other town peace officers who may be on duty and available for fire duty to respond to all fire alarms and assist the fire department in the protection of life and property, regulating traffic and maintaining order, and enforcing observance of all sections of this chapter.

(Code 1973, § 5-24)

Secs. 14-43—14-60. Reserved.

DIVISION 2. PROPERTY

Sec. 14-61. Required equipment; recommendation of types needed; purchase.

The fire department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property

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from fire. Recommendations of apparatus and equipment needed shall be made by the fire chief and, after approval by the members of the department, shall be purchased in such manner as may be designated by the members of the department.

(Code 1973, § 5-26)

Sec. 14-62. Housing.

All equipment of the fire department shall be safely and conveniently housed in such places as may be designated by the members of the department.

(Code 1973, § 5-27)

Sec. 14-63. Alarm equipment for citizen use.

Suitable arrangement of equipment shall be provided for citizens to turn in an alarm and for notifying all members of the fire department so that they may promptly respond.

(Code 1973, § 5-28)

Sec. 14-64. Use without authority prohibited.

No person shall:

- (1) Use any fire apparatus or equipment for any private purpose.
- (2) Wilfully, and without proper authority, take away or conceal any article used in any way by the department.
- (3) Enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department, unless accompanied by, or having the special permission of, an officer or authorized member of the department.

(Code 1973, § 5-29)

Secs. 14-65—14-100. Reserved.

ARTICLE III. PREVENTION

Sec. 14-101. State fire prevention code.

The Virginia Statewide Fire Prevention Code, as amended, is adopted as a part of this section as if set out at length in this section. Where provisions of such code are more stringent than provisions of town ordinances, the provisions of such code shall take precedence.

Sec. 14-102. Permit required to display fireworks.

Pursuant to the provisions of Code of Virginia, § 15.2-974, the town council hereby authorizes the chief of the fire department, upon application, in writing, to issue permits for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, under such terms and conditions as he may prescribe. After such permit has

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been issued, sales of fireworks may be made for use under such permit, and the association, organization or group to which it is issued may make use of such fireworks under the terms and conditions of such permit.

(Code 1973, § 5-1)

Sec. 14-103. Bonfires and outdoor rubbish fires.

(a) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization from the chief of the fire department. Proper authorization shall include a general permit under conditions prescribed by the fire chief and posted on the bulletin board at the town hall. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

(b) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless:

- (1) The location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure; or
- (2) The fire is contained in a waste burner of a type approved by the chief of the fire department, which is located safely not less than 15 feet from any structure.

(c) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

(d) The chief of the fire department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

(Code 1973, § 5-2)

Cross reference—Burning of papers, boxes, etc., § 16-3.

Sec. 14-104. Smoking prohibited under certain conditions.

(a) Smoking shall mean and include the carrying of a lighted pipe, cigar, cigarette, tobacco or other smokable substance in any form.

(b) Where conditions are such as to make smoking a hazard in any area of warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the chief of the fire department is empowered and authorized to order the owner or occupant, in writing, to post no smoking signs in each building, structure, room or place in which smoking shall be prohibited. The chief of the fire department shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

(c) "No smoking" signs of approved sized lettering and location required in accordance with subsection (b) shall read "by order of the fire chief."

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(d) It shall be unlawful for any person to remove any legally required no smoking sign or to smoke in any place where such signs are posted.

(Code 1973, § 5-3)

Sec. 14-105. Use of torches for removing paint and sweating pipe joints.

(a) Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one fire extinguisher of a type approved by the chief of the fire department or water hose connected to a water supply in the area where such burning is done. In all cases, a fire watcher shall remain on the premises for one hour after the torch or flame-producing device has been used.

(b) Any person using a torch or other flame-producing device for sweating pipe joints in any building or structure shall have available, in the immediate vicinity where the sweating is done, one fire extinguisher of a type so approved or water hose connected to a water supply. Combustible material in the close proximity of flame shall be protected against ignition by shielding, wetting or other approved means. In all cases, a fire watcher shall remain in the vicinity of the sweating operation for one-half hour after the torch or flame-producing device has been used.

(Code 1973, § 5-4)

Sec. 14-106. Hot ashes, coals, and greasy substances capable of igniting.

No person shall deposit hot ashes or cinders, or smouldering coals, or greasy or oily substances liable to spontaneous ignition into any combustible receptacle, or place such hot ashes or cinders, or smouldering coals, or greasy or oily substances liable to spontaneous ignition within ten feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two feet away from any combustible wall or partition or exterior window opening.

(Code 1973, § 5-5)

Sec. 14-107. Accumulation of waste materials.

Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of wastepaper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when such weeds, grass, vines or other growth endanger property or are liable to be fired, shall be cut down and removed by the owner or occupant of the property.

(Code 1973, § 5-6)

Sec. 14-108. Readily combustible materials—Handling.

No person making, using, storing or having in charge, or under his control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect, at the close of each day, to cause all such material which is not compactly baled and

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stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal-lined, covered receptacles or bins. The chief of the fire department shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

(Code 1973, § 5-7)

Sec. 14-109. Same—Storage.

(a) *Permit required.* No person shall store, in any building or upon any premises, in excess of 2,500 cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, or rubber tires, or baled cotton, rubber or cork, or other similarly combustible material without a permit.

(b) *Requirements for buildings and the open.*

(1) Storage in buildings shall be:

- a. Orderly;
- b. Not within two feet of the ceiling;
- c. Separated from heaters or heating devices by distance or shielding so that ignition cannot occur; and
- d. Not so located as to endanger exit from the building.

(2) Storage in the open shall be:

- a. Not more than 20 feet in height;
- b. So located, with respect to adjacent buildings, as not to constitute a hazard; and
- c. Compact and orderly.

(Code 1973, § 5-8)

Sec. 14-110. Flammable decorative materials in buildings of mercantile and institutional occupancy.

Highly flammable materials, such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery, and foam plastic materials shall not be used for decorative purposes in show windows or other parts of mercantile and institutional occupancies unless first rendered flameproof. Electric lightbulbs in mercantile and institutional occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

(Code 1973, § 5-9)

Sec. 14-111. Storage or display of combustibles in roof-over malls.

No combustible goods, merchandise or decorations shall be displayed or stored in a roof-over mall unless approved by the chief of the fire department.

(Code 1973, § 5-10)

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Sec. 14-112. Open flames, lights; heating apparatus; kindling of fire.

(a) No person shall take an open flame or light into any building, barn, boat or any other place where highly flammable, combustible or explosive material is kept, unless such light or flame shall be well-secured in a glass globe, wire mesh cage or similar device of a type approved by the chief of the fire department.

(b) No heating or lighting apparatus or equipment capable of igniting flammable material of the type stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work areas of any establishment used for the upholstering of furniture.

(c) No person shall kindle a fire upon the land of another without permission of the owner thereof, or his agent.

(Code 1973, § 5-11)

Sec. 14-113. Maintenance of chimneys, heat producing appliances and exhaust systems.

(a) Chimneys, flues or similar devices for conveying products of combustion or hot gases to the exterior of the building shall be maintained in a manner as not to create a hazardous condition.

- (1) Existing masonry chimneys which, upon inspection, are found to be without flue liner and with open mortar joints which will permit smoke or gases to be discharged into the building, or which are cracked as to be dangerous, shall be made safe by means of a fire clay liner, fire brick, or a corrosion resistant metal pipe and otherwise repaired, if necessary, or the chimney shall be removed. Metal pipe liners shall be one inch less in diameter than the least dimension of the flue and entire space between the metal liner and the walls of the chimney filled with cement mortar.
- (2) Existing chimneys and vents of metal which are corroded or improperly supported shall be replaced, unless suitable repairs are made.
- (3) Existing chimney and vent connectors of metal which are corroded or improperly supported shall be replaced.

(b) All heat producing appliances, including boilers, furnaces, incinerators, ovens and restaurant-type cooking appliances shall be installed and maintained in an approved manner.

(c) Exhaust systems provided for restaurant cooking equipment shall be maintained in a manner such as not to create a hazardous condition.

- (1) Hoods, grease removal devices, fans, ducts and other devices shall be inspected periodically and cleaned as needed to remove grease and deposits of residues.
- (2) Fire extinguishing systems shall be inspected periodically and checked for proper operation. These inspections shall include a check that the supply of extinguishing agent in the system is adequate, and all actuation components are operating satisfac-

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torily. Fusible links, if employed, shall be replaced or properly cleaned. Instructions for manually operating the system shall be posted conspicuously in the kitchen and employees checked for their knowledge of procedures.

(3) Any fire dampers shall be tested periodically to insure proper functioning of all parts.

(d) Commercial, industrial and flue-fed incinerators shall be provided with approved spark arrestors or other effective means for arresting sparks and fly ash.

(Code 1973, § 5-12)

Sec. 14-114. Enforcement; inspections; notice to abate fire hazards.

(a) The chief of the fire department, with the cooperation of the chief of police, shall enforce the provisions of this article.

(b) The chief of the fire department is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. Any person so served with a notice to abate any fire hazard shall comply therewith promptly and notify the chief.

(Code 1973, § 5-13)

Chapter 15

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Chapter 16

HEALTH AND SANITATION*

Article I. In General

- Sec. 16-1. Adoption of integrated solid waste management plan.
- Sec. 16-2. Prohibited disposal of waste; territorial applicability.
- Sec. 16-3. Burning of papers, boxes, etc.
- Sec. 16-4. Duty of owner to cut and remove tall grass and weeds visible from street; action by town upon failure to comply; penalty.
- Sec. 16-5. Unsafe real property.
- Sec. 16-6. Lien created for charges incurred by town.
- Sec. 16-7. Applicability of state law.
- Secs. 16-8—16-40. Reserved.

Article II. Solid Waste Collection

- Sec. 16-41. Established.
- Sec. 16-42. Schedule of times and places.
- Sec. 16-43. Schedule of fees.
- Sec. 16-44. Containers—Required.
- Sec. 16-45. Same—Placement on street edge.
- Sec. 16-46. Superintendent of utilities to prescribe rules and regulations.

***Cross references**—Animals, ch. 4; environment, ch. 12; manufactured homes and trailers, ch. 18; utilities, ch. 32.

State law references—Virginia Waste Management Act, Code of Virginia, § 10.1-1400 et seq.; removal of trash, garbage, etc., weeds and other foreign growth, Code of Virginia, §§ 15.2-901, 15.2-902; garbage and refuse disposal, Code of Virginia, § 15.2-927 et seq.; regulation of garbage and refuse pickup and disposal services, waste recovery facilities, Code of Virginia, § 15.2-932; delivery of garbage, trash and refuse to certain facilities, Code of Virginia, § 15.2-933; mailing summons for violation of trash ordinance, Code of Virginia, § 19.2-76.2.

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ARTICLE I. IN GENERAL

Sec. 16-1. Adoption of integrated solid waste management plan.

The town council does hereby adopt the integrated solid waste management plan dated June 1991, prepared by Dewberry and Davis, as adopted by the county board of supervisors on June 19, 1991.

(Res. of 11-11-1991)

Sec. 16-2. Prohibited disposal of waste; territorial applicability.

(a) No person shall deposit or dispose of any garbage, trash or other waste matter; or any carcass or part thereof; or any offal upon any street, sidewalk, public place or vacant lot, or upon private premises owned or occupied by another; except, that garbage and trash may be set out in receptacles for collection as provided in this chapter. No person shall deposit or dispose of any garbage, trash or other waste matter; or any carcass or part thereof; or any offal in any pond, spring, well or watercourse or in any gutter or drain.

(b) The provisions of this section shall apply within the town and within public places (other than an approved sanitary landfill or dump) and with respect to ponds, lakes, springs and watercourses in unincorporated places within one mile beyond the town in all directions.

(Code 1973, § 6-1)

State law references—Extraterritorial jurisdiction, Code of Virginia, § 19.2-250; dumping trash, garbage, etc., on public highway or private property, Code of Virginia, § 33.1-346.

Sec. 16-3. Burning of papers, boxes, etc.

All papers, boxes and other refuse capable of being burned shall be burned by the householders or occupants of lots and, if burned outdoors, shall be burned in such manner and at such time as to insure complete safety, as provided in section **5-2.

(Code 1973, § 6-2)

Cross reference—Bonfires and outdoor rubbish, § 14-103.

Sec. 16-4. Duty of owner to cut and remove tall grass and weeds visible from street; action by town upon failure to comply; penalty.

(a) It shall be unlawful for any person owning real estate, or an interest therein, located within the town to allow grass or weeds to grow thereon within 50 feet of any traveled street and visible from such street, to a height of more than 12 inches, except for cultivated farm crops grown thereon.

(b) If any owner of such land, or interest therein, shall fail to have such illegal growth of grass or weeds on his land cut or otherwise removed within 15 days, after written notice of his violation of this section, the town shall have the right to cut or remove such unlawful growth at the expense of the landowner and, in addition, the owner shall pay a penalty of \$25.00 to the town; provided, that any landowner may request the town council, in writing, to have such

unlawful growth cut and removed from his property by town personnel and equipment at his own expense, and any such request which is made prior to any notice of violation having been given him by the town shall relieve the landowner from the penalty above specified.

(Code 1973, § 6-3; Ord. of 9-12-1994(1))

Cross reference—Maintenance of premises by owners and occupants, § 12-63.

State law reference—Authority of town to provide for removal of trash, garbage, etc., weeds and other foreign growth and to require property owners to comply with town regulations relating thereto, and liens created for noncompliance, Code of Virginia, § 15.2-901.

Sec. 16-5. Unsafe real property.

Any real property, whether improved or unimproved, on which is stored litter, trash, garbage, refuse, debris, junk or other solid or liquid matter which renders such real property a fire hazard or otherwise hazardous to the public safety, health or welfare on account of such conditions affording harborage to rodents, reptiles, insects, pests or vermin, or which for any other reason constitutes a hazard as aforesaid, is hereby deemed to be unsafe real property. All such unsafe real property is hereby declared illegal and shall be abated by removal of the debris, junk or other matter which causes such real property to be hazardous, which removal shall be in accordance with the following procedure:

- (1) Whenever the building official shall find any real property to be unsafe, he shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such real property written notice stating the defects thereof. This notice shall require the owner, within a stated time of not less than ten days nor more than 90 days, to remove the debris, junk or other matter.
- (2) The building official shall cause to be posted on such real property a notice: "This real property is unsafe and its use or occupancy has been prohibited by the building official." Such notice shall remain posted until the required repairs are made or removal is completed. It shall be unlawful for any person, or his agents or other servants, to remove such notice without written permission of the building official, or for any person to enter the real property except for the purpose of making the required repairs or removals.
- (3) The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the building official, as provided in this section, and to appear before the town council, at a specified time and place, to show cause why he should not comply with the notice.
- (4) In case the owner, agent or person in control cannot be found within the stated time limit, or if such owner, agent or person in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or remove hazards to human life from any premises or to remove any such debris, junk or other foreign matter, the building official, after having competitively ascertained the cost, shall cause the necessary repairs or removals to be made.

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- (5) The decision of the building official shall be final in cases of emergency which, in his option, involve imminent danger to human life or health. The building official shall promptly cause any unsafe premises to be made safe. For this purpose, he may at once enter such land, or abutting land or structures, with such assistance and at such cost as he may deem necessary. The building official may protect the public by an appropriate fence or such other means as may be necessary, and, for this purpose, may close a public or private way.
- (6) Costs incurred under subsections (1) through (5) shall be charged to the owner of the premises, such cost to be a lien upon the property, and shall be collectable in the same manner as town taxes levied upon real estate are collected.
- (Code 1973, § 6-4; Ord. of 6-8-1987)

Sec. 16-6. Lien created for charges incurred by town.

Every charge and penalty authorized by sections 16-4 and 16-5 with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

(Code 1973, § 6-5)

Sec. 16-7. Applicability of state law.

Code of Virginia, § 15.2-901, shall be applicable to sections 16-4 through 16-6.

Secs. 16-8—16-40. Reserved.

ARTICLE II. SOLID WASTE COLLECTION*

Sec. 16-41. Established.

The town council shall provide suitable facilities by its own employees and equipment, or by contract, for the adequate removal and disposal of garbage, including tin cans, bottles, decayed vegetables and animal matter, and other discarded refuse, within the limits of the town.

(Code 1973, § 6-6)

Sec. 16-42. Schedule of times and places.

The collection and disposal of garbage and trash under this article shall be at such times and to such places as the town council may from time to time prescribe.

(Code 1973, § 6-7)

***State law reference**—Authority of town to provide for removal of trash, garbage, etc., and to require property owners to comply with town regulations relating thereto, Code of Virginia, § 15.2-901.

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Sec. 16-43. Schedule of fees.

The town council may establish, by resolution, a schedule of fees to be charged for the collection and disposal of garbage and trash under this article; and such schedule may classify properties to be served as residential, business or industrial, and may impose different charges for different classes. Such schedule may prescribe the billing periods, method of billing, time for payment and penalties for delinquency in payment.

(Code 1973, § 6-8)

Sec. 16-44. Containers—Required.

All owners or occupants of lots, including all mercantile and business establishments of every description, within the town shall provide such lots, if occupied, with adequate garbage cans with well-fitting covers, of standard type, with a capacity of not more than 30 gallons, in which shall be placed all decaying and dead animal and vegetable matter and other refuse. No cans, bottles or other containers capable of holding water or drawing or breeding flies and mosquitoes shall be allowed to be exposed upon the premises, except for drinking purposes by animals, fowl and birds.

(Code 1973, § 6-9)

Sec. 16-45. Same—Placement on street edge.

It shall be the duty of the householder or occupant of any premises desiring and paying for garbage disposal to place the prescribed garbage cans on the street edge accessible to the garbage collector on the day designated for the collection of garbage, which shall not be less than once each calendar month.

(Code 1973, § 6-10)

Cross reference—Streets, sidewalks and other public places, ch. 24.

Sec. 16-46. Superintendent of utilities to prescribe rules and regulations.

The superintendent of utilities may prescribe rules and regulations governing the town garbage and refuse collection service and the time, manner and place for setting out and removal of garbage cans; the preparation of garbage and other refuse for collection; waste matter not subject to removal by the town collection service; and other subjects related thereto. When such regulations are approved by resolution or order of the town council, and a copy of such approved rules and regulations is on file in the office of the town clerk and treasurer, it shall be unlawful for any person to violate or fail to comply with any provision thereof.

(Code 1973, § 6-11)

Chapter 17

RESERVED

Chapter 18

MANUFACTURED HOMES AND TRAILERS*

- Sec. 18-1. Annual license required to operate park or maintain trailer.
- Sec. 18-2. Annual license tax.
- Sec. 18-3. Issuance of licenses.
- Sec. 18-4. Penalty for violation.

***Cross references**—Environment, ch. 12; health and sanitation, ch. 16; streets, sidewalks and other public places, ch. 24; subdivisions, ch. 26; utilities, ch. 32; zoning, ch. 34.

State law reference—Manufactured housing, Code of Virginia, § 36-85.2 et seq.

MANUFACTURED HOMES AND TRAILERS

§ 18-4

Sec. 18-1. Annual license required to operate park or maintain trailer.

A town license is hereby required annually for the operation of a trailer park or trailer camp within the town or for the parking or maintenance of a house trailer within the town.

(Code 1973, § 13-1)

Sec. 18-2. Annual license tax.

(a) A license tax of \$20.00 per year or fraction of a year is hereby levied upon each trailer lot in each trailer park or camp.

(b) A license tax of \$20.00 per year or fraction of a year is hereby imposed upon each house trailer parked or maintained within the town upon a lot not located within a trailer park or trailer camp; and the owner of a house trailer so parked or maintained, upon payment of the tax hereby imposed, shall be credited with such payment upon his personal property tax bill.

(Code 1973, § 13-2)

Sec. 18-3. Issuance of licenses.

Licenses required by this chapter may be issued by the town clerk and treasurer or by any other town officer designated by the town council, but only upon direction of the town council after consideration of each application for a license.

(Code 1973, § 13-3)

Sec. 18-4. Penalty for violation.

Any person convicted of operating a trailer park or trailer camp or of parking or maintaining an individual trailer upon an individual lot not within a trailer park or camp without having a currently valid town license so to do or without having paid the license tax thereon shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

(Code 1973, § 13-4)

Chapter 19

RESERVED

Chapter 20

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

- Sec. 20-1. Air rifles, bows and arrows, slingshots, etc.
- Sec. 20-2. Assault and battery.
- Sec. 20-3. Attempts to commit or avoid acts; aiding and abetting.
- Sec. 20-4. False alarms and reports.
- Sec. 20-5. Fresh meat, poultry and seafood sold or kept for sale.
- Sec. 20-6. Indecent exposure.
- Sec. 20-7. Loitering.
- Sec. 20-8. Obstructing free passage of others.
- Sec. 20-9. Petit larceny.
- Sec. 20-10. Playing ball, engaging in dangerous sports, etc., on streets, sidewalks and alleys.
- Sec. 20-11. Unlawful destruction, defacement, etc., of property—Private.
- Sec. 20-12. Same—Town.
- Sec. 20-13. Profane swearing and intoxication in public; transportation of inebriates to detoxification center.
- Secs. 20-14—20-40. Reserved.

Article II. Town Officers and Employees

- Sec. 20-41. Interference with, obstruction of performance of duty; aiding escape of prisoner.
- Sec. 20-42. Impersonation.
- Sec. 20-43. Courteous transactions; unlawful behavior.
- Secs. 20-44—20-70. Reserved.

Article III. Minors

- Sec. 20-71. Halloween/trick or treat activities.
- Sec. 20-72. Frequenting poolrooms.
- Secs. 20-73—20-100. Reserved.

Article IV. Disorderly Conduct

- Sec. 20-101. Actions constituting offense; penalty.
- Sec. 20-102. On school premises.
- Sec. 20-103. On public conveyances.
- Sec. 20-104. Riot defined; penalty for participating.
- Sec. 20-105. At assemblies of religious worship.
- Sec. 20-106. At public meetings.
- Secs. 20-107—20-140. Reserved.

***State law references**—Crimes and offenses generally, Code of Virginia, tit. 18.2; local ordinances prohibiting obscenity, Code of Virginia, § 18.2-389.

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Article V. Weapons

- Sec. 20-141. Willful discharge of firearms; disposal of weapon.
- Sec. 20-142. Carrying concealed weapons; forfeiture.
- Sec. 20-143. Selling or having in possession blackjacks, knives, etc.
- Sec. 20-144. Pointing, holding or brandishing firearm, air or gas operated weapon, or object similar in appearance; penalty.

OFFENSES AND MISCELLANEOUS PROVISIONS

§ 20-2

ARTICLE I. IN GENERAL

Sec. 20-1. Air rifles, bows and arrows, slingshots, etc.

(a) No person shall, anywhere within the town, throw, discharge, shoot or propel any shot, beebee, stone, arrow or other missile or object from an air rifle, slingshot, bow or other similar implement; and any person violating this section shall be guilty of a class 4 misdemeanor for each offense, and the court may order that the implement used in violation of this section be retained by its owner, destroyed or forfeited to the town for such lawful use or disposition as the town council or the mayor may direct.

(b) This section shall not apply to target practice on private property by the property owner and members of his family and invited guests; provided, that such target practice shall be conducted under competent supervision for participants under 18 years of age.

(Code 1973, § 10-1)

Sec. 20-2. Assault and battery.

(a) Any person who commits a simple assault or assault and battery shall be guilty of a class 1 misdemeanor; and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a mandatory, minimum term of confinement of at least six months, 30 days of which shall not be suspended, in whole or in part.

(b) In addition, if any person commits a battery against another, knowing or having reason to know that such other person is a full-time or part-time teacher, principal, assistant principal or guidance counselor of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he shall be guilty of a class 1 misdemeanor, and the sentence of such person, upon conviction, shall include a mandatory, minimum sentence of 15 days in jail, two days of which shall not be suspended, in whole or in part. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to Code of Virginia, § 18.2-308.1, the person shall serve a mandatory, minimum sentence of confinement of six months, which shall not be suspended, in whole or in part.

(c) As used in this section, "school security officer" means an individual who is employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property, a school bus or at a school-sponsored activity; and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

(d) Simple assault or assault and battery shall not be construed to include the use of, by any teacher, principal, assistant principal, guidance counselor or school security officer, in the course and scope of his acting official capacity, any of the following:

- (1) Incidental, minor or reasonable physical contact or other actions designed to maintain order and control;

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- (2) Reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property;
- (3) Reasonable and necessary force to prevent a student from inflicting physical harm on himself;
- (4) Reasonable and necessary force for self-defense or the defense of others; or
- (5) Reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a teacher, principal, assistant principal, guidance counselor or school security officer at the time of the event.

(Code 1973, § 10-2)

State law reference—Similar provisions, Code of Virginia, § 18.2-57.

Sec. 20-3. Attempts to commit or avoid acts; aiding and abetting.

(a) *Prohibited acts.* It shall be unlawful for any person to:

- (1) Attempt to commit any act which is prohibited by this Code or other ordinance, or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and
- (2) Aid or abet another in the commission or attempted commission of any act which is prohibited by this Code or other ordinance, or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

(b) *Required acts.* It shall be unlawful for any person to:

- (1) Attempt to avoid the doing of any act which is required by this Code or other ordinance, or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof; and
- (2) Aid or abet another in the avoidance or attempted avoidance of any act which is required by this Code or other ordinance, or by any rule, regulation, order or notice duly promulgated or given pursuant to authority thereof.

(Code 1973, § 10-3)

State law reference—Attempts to commit misdemeanors, Code of Virginia, § 18.2-27.

Sec. 20-4. False alarms and reports.

No person shall knowingly give or cause to be given any false alarm of the following:

- (1) Fire.
- (2) Explosion or impending danger of explosion.
- (3) Need for police protection, assistance or investigation; or any false report to the police department.

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(4) Need for an ambulance or medical assistance.
(Code 1973, § 10-10)

State law references—False fire or ambulance alarm, Code of Virginia, § 18.2-212; false report to police, Code of Virginia, § 18.2-461.

Sec. 20-5. Fresh meat, poultry and seafood sold or kept for sale.

It shall be unlawful for any person to sell, or to keep or expose for sale, within the town, any fresh meat, poultry, fish or other seafood which is putrid, contaminated or otherwise unwholesome, or which is dressed or garnished falsely or in a manner calculated to deceive; and all fresh meat, poultry, fish or other seafood kept or exposed for sale within the town shall be refrigerated, maintained and handled in a sanitary manner and pursuant to all requirements of state law and rules and regulations promulgated to state law.
(Code 1973, § 10-11)

Sec. 20-6. 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. No person shall be deemed to be in violation of this section for breastfeeding a child in any public place or any place where others are present.
(Code 1973, § 10-12)

State law reference—Similar provisions, Code of Virginia, § 18.2-387.

Sec. 20-7. Loitering.

(a) No person or aggregation of persons shall assemble so as to obstruct the public streets, sidewalks, alleys, public places and public buildings, places of amusement and entertainment, vacant lots and any other public grounds or privately owned property open to the public in the town; or sit, stand or lounge in or around the aforementioned places or in the entranceways of churches, private homes or places of business so as to disturb the owners or occupants or interfere with the use of the building or the disturbance of the citizens of the town or any other person rightfully within the confines of the town.

(b) Persons loitering, sitting or standing on any street, sidewalk and places mentioned in subsection (a) shall move on or separate when required to do so by any authorized law enforcement officer, and shall cease to occupy such position.
(Code 1973, § 10-13)

Sec. 20-8. Obstructing free passage of others.

Any person 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

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when requested to do so by the owner or lessee, or agent or employee of such 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 construed to prohibit lawful picketing.

(Code 1973, § 10-18)

State law reference—Similar provisions, § 18.2-404.

Sec. 20-9. Petit larceny.

Any person who commits the following shall be deemed guilty of petit larceny, which shall be punishable as a class 1 misdemeanor:

- (1) Larceny, from the person of another, of money or other thing of value of less than \$5.00; or
- (2) Simple larceny, not from the person of another, of goods and chattels of the value of less than \$200.00, except as provided in Code of Virginia, § 18.2-95(iii).

(Code 1973, § 10-19)

State law reference—Similar provisions, Code of Virginia, § 18.2-96.

Sec. 20-10. Playing ball, engaging in dangerous sports, etc., on streets, sidewalks and alleys.

It shall be unlawful for any person to throw balls or stones or engage in any employment or sport which shall be dangerous or disturbing to pedestrians or travelers on any street, sidewalk or public alley in the town.

(Code 1973, § 10-20)

Cross reference—Streets, sidewalks and other public places, ch. 24.

Sec. 20-11. Unlawful destruction, defacement, etc., of property—Private.

No person shall knowingly and without proper authority:

- (1) Use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any personal property of another.
- (2) Destroy, damage, deface, molest or otherwise interfere with, or trespass upon, any real property of another.

(Code 1973, § 10-21)

State law reference—Damage to property, Code of Virginia, § 18.2-137.

Sec. 20-12. Same—Town.

No person shall, without proper authority, knowingly:

- (1) Use, tamper with, render inoperative, destroy, damage, remove, deface, molest or otherwise interfere with any books, records, furniture, equipment, gear, apparatus, tools or other items of personal property belonging to, leased to or used by the town or any agency thereof.

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(2) Destroy, damage, deface, molest or otherwise interfere with or trespass upon any real property belonging to, leased to or used by the town or any agency thereof.

(Code 1973, § 10-27)

State law reference—Damage to property, Code of Virginia, § 18.2-137.

Sec. 20-13. Profane swearing and intoxication in public; transportation of inebriates to detoxification center.

If any person profanely curses or swears or is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, he shall be deemed guilty of a class 4 misdemeanor. In any area in which there is located a court-approved detoxification center, a law enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

(Code 1973, § 10-22)

Cross references—Streets, sidewalks and other public places, ch. 24; traffic and vehicles, ch. 30.

State law reference—Similar provisions, Code of Virginia, § 18.2-388.

Secs. 20-14—20-40. Reserved.

ARTICLE II. TOWN OFFICERS AND EMPLOYEES*

Sec. 20-41. Interference with, obstruction of performance of duty; aiding escape of prisoner.

No person shall carelessly or willfully interfere with, hinder or obstruct any officer or employee of the town who is engaged in, en route to or returning from the performance of official duty, whether such interference, hindrance or obstruction be by threat, assault or otherwise; and it shall be unlawful for any person to release, or attempt to release, any prisoner held in custody by any town officer or any town prisoner held in the custody of any county jailer.

(Code 1973, § 10-24)

State law references—Refusal to aid officer in the execution of his office, Code of Virginia, § 18.2-463; failure to obey order of a conservator of the peace, Code of Virginia, § 18.2-464; aiding escape, Code of Virginia, § 18.2-473.

Sec. 20-42. Impersonation.

No person shall falsely represent himself to be an officer or employee of the town or, without proper authority, wear or display any uniform, insignia or credential which identifies any town officer or employee; nor shall any person, without proper authority, assume to act as an officer or employee of the town, whether to gain access to premises, obtain information, perpetrate a

***Cross reference**—Officers and employees, § 2-101 et seq.

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fraud or for any other purpose; provided, that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his presence.

(Code 1973, § 10-25)

State law references—Impersonating officer, Code of Virginia, § 18.2-174; unlawful wearing of officer's uniform or insignia, Code of Virginia, § 18.2-175.

Sec. 20-43. Courteous transactions; unlawful behavior.

(a) Town officers and employees shall be courteous in their official transactions with the public, and they shall conduct themselves in the performance of their official duties so as to not knowingly deprive any person, at the time and under the circumstances then and there existing, of any lawful right or benefit to which such person may be entitled. Any person who feels aggrieved by the conduct of any town officer or employee in violation of this subsection is hereby invited to bring such matter to the attention of such officer's or employee's department head or to the mayor, without prejudice to any other recourse to which such aggrieved person may be entitled.

(b) Members of the public, in turn, shall be courteous in their transactions with town officers and employees; and it shall be unlawful for any person to knowingly, whether by act, word or gesture, with respect to any town officer or employee at any time or place while such town officer or employee is lawfully engaged in the performance of official duty:

- (1) Engage in conduct having a direct tendency to cause acts of violence by the person at whom, individually, such conduct is directed;
- (2) Disrupt any meeting, if the disruption prevents or interferes with the orderly conduct of the meeting or has a direct tendency to cause acts of violence by the person at whom, individually, the disruption is directed; or
- (3) Curse or abuse another person, or use any violent abusive language to such person concerning himself or any of his relations, or otherwise use such language, under circumstances reasonably calculated to provoke a breach of the peace.

(Code 1973, § 10-26)

State law reference—Similar provisions, Code of Virginia, §§ 18.2-415, 18.2-416.

Secs. 20-44—20-70. Reserved.

ARTICLE III. MINORS

Sec. 20-71. Halloween/trick or treat activities.

(a) It shall be unlawful for any person over the age of 12 years to engage in the activity commonly known as "trick or treat" or any other activity of similar character or nature under any name whatsoever; provided, that nothing in this subsection shall be construed as

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prohibiting any parent, guardian or other responsible person, having lawfully in his custody a child 12 years or younger, from accompanying such child who is playing trick or treat for the purpose of caring for, looking after or protecting such child.

(b) It shall be unlawful for any person to engage in the activity commonly known as "trick or treat" or any other activity of similar character or nature under any name whatsoever after 9:00 p.m.

(c) It shall be unlawful for a minor under the age of 18 years, unless accompanied by a parent or guardian, to frequent or be in a public place in the town or to loiter on the streets and thoroughfares thereof after 10:00 p.m. on each and every 31st day of October or the night celebrated for Halloween.

(d) Any person violating this section shall be guilty of a class 4 misdemeanor and, upon conviction thereof, shall be fined not more than \$25.00 for each offense.

(Code 1973, § 10-14)

Sec. 20-72. Frequenting poolrooms.

(a) No minor under the age of 18 years shall frequent, play in or loiter in any public poolroom or billiard room within the town, or be permitted by the proprietor thereof, or his agents, to frequent, play in or loiter therein.

(b) Any such minor and any such proprietor, or agent of such proprietor, violating this section shall be guilty of a class 3 misdemeanor.

(Code 1973, § 10-15)

State law reference—Similar provisions, Code of Virginia, § 18.2-432.

Secs. 20-73—20-100. Reserved.

ARTICLE IV. DISORDERLY CONDUCT

Sec. 20-101. Actions constituting offense; penalty.

(a) Any person who shall do or engage in any of the following shall be guilty of the offense of disorderly conduct:

- (1) Act in a violent or tumultuous manner toward another, whereby any person is placed in danger of safety of his life, limb or health.
- (2) Act in a violent or tumultuous manner toward another, whereby public property or property of any other person is placed in danger of being destroyed or damaged.
- (3) Endanger lawful pursuits of another by acts of violence or threats of bodily harm.
- (4) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
- (5) Assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.

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- (6) Assemble in bodies or in crowds and engage in unlawful activities.
- (7) Assemble or congregate with another or others and engage or attempt to engage in gaming.
- (8) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
- (9) Assemble with another or others and engage in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempts to do so.
- (10) Utter, in a public place or any place open to the public, any obscene words or epithets.
- (11) Frequent any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
- (12) Use fight-provoking words directed towards any person who becomes outraged and thus create turmoil.
- (13) Assemble or congregate with another or others and do bodily harm to another.
- (14) By acts of violence, interfere with another's pursuit of a lawful occupation.
- (15) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered to do so by a peace officer or other person having authority.
- (16) Damage, defoul or disturb public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(b) Any person convicted of disorderly conduct shall be punished as provided in section 1-9.
(Code 1973, § 10-4)

State law references—Disorderly conduct, Code of Virginia, § 18.2-415; abusive and insulting language, Code of Virginia, § 18.2-416 et seq.

Sec. 20-102. On school premises.

It shall be unlawful for any person to create a disturbance or use loud or profane or obscene language or loiter in any public, parochial or private school building or on the premises of any such school, or to refuse promptly to leave such school building and premises upon the request of the principal, superintendent or any officer or employee of the school.

(Code 1973, § 10-5)

State law reference—Disturbing schools, Code of Virginia, § 18.2-415.

Sec. 20-103. On public conveyances.

It shall be unlawful for any person, whether a passenger or not, while in or on any public conveyance, to behave in a riotous or disorderly manner. The agent or employees in charge of

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such public conveyance may require such person to discontinue his riotous or disorderly conduct and, if he refuses to do so, may eject him with the aid, if necessary, of any other persons who may be called upon for the purpose.

(Code 1973, § 10-6)

State law reference—Similar provisions, Code of Virginia, § 18.2-415.

Sec. 20-104. Riot defined; penalty for participating.

(a) Any unlawful use, by three or more persons acting together, of force or violence which seriously jeopardizes the public safety, peace or order is riot.

(b) Every person convicted of participating in any riot shall be guilty of a class 1 misdemeanor.

(Code 1973, § 10-7)

Cross reference—Definitions generally, § 1-2.

State law reference—Similar provisions, Code of Virginia, § 18.2-405.

Sec. 20-105. At assemblies of religious worship.

It shall be unlawful for any person to willfully interrupt or disturb any assembly met for the worship of God or, being intoxicated, disturb any assembly met for the worship of God, whether willfully or not.

(Code 1973, § 10-8)

State law reference—Similar provisions, Code of Virginia, § 18.2-415.

Sec. 20-106. At public meetings.

It shall be unlawful for any person to disturb the audience at any lawfully assembled public meeting or exhibition within the town.

(Code 1973, § 10-9)

State law reference—Disturbing meetings of literary society, Code of Virginia, § 18.2-415.

Secs. 20-107—20-140. Reserved.

ARTICLE V. WEAPONS

Sec. 20-141. Willful discharge of firearms; disposal of weapon.

(a) It shall be unlawful for any person to willfully discharge, or cause to be discharged, any firearm within the town; 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 willful act is otherwise justifiable or excusable at law in the protection of human life or property or is otherwise specifically authorized by law.

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(b) In addition to any other penalty which may be imposed for violation of this section, the court may order that the firearm used in violation of this section be retained by its owner, destroyed, or forfeited to the town for use by the town police officers in the discharge of their official duties or to be sold at auction.

(Code 1973, § 10-28)

State law reference—Willful discharge of firearms in public places, Code of Virginia, § 18.2-280.

Sec. 20-142. Carrying concealed weapons; forfeiture.

(a) *Enumeration; violation; forfeit and seizure.*

(1) If any person carries about his person, hidden from common observation, any of the following, he shall be guilty of a Class 1 misdemeanor:

- a. Pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material;
- b. Dirk, bowie knife, switchblade knife, ballistic knife, razor, slingshot, spring stick, metal knucks, or blackjack;
- c. Flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain;
- d. Disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or
- e. Weapon of like kind as those enumerated in this subsection.

(2) Any weapon used in the commission of a violation of this section shall be forfeited to the commonwealth and may be seized by an officer as forfeited; and such as may be needed for police officers, conservators of the peace, and the division of forensic science shall be devoted to that purpose, subject to any registration requirements of federal law, and the remainder shall be disposed of as provided in Code of Virginia, § 18.2-310.

(3) For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature.

(b) *Persons to which section not applicable.* This section shall not apply to:

(1) Any person while in his own place of abode, or the curtilage thereof.

(2) Except as provided by law:

- a. Any person while in his own place of business;
- b. Any police officers, including capitol police officers, sergeants, sheriffs, deputy sheriffs or regular game wardens appointed pursuant to Code of Virginia, § 29.1-200 et seq.;

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- c. Any regularly enrolled member of a target shooting organization who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
- d. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
- e. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
- f. Campus police officers appointed pursuant to Code of Virginia, § 23-232 et seq.;
- g. Any person actually engaged in lawful hunting, as authorized by the board of game and inland fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions; and
- h. Any state police officer retired from the department of state police, any local law enforcement officer retired from a police department or sheriff's office within the commonwealth and any special agent retired from the state corporation commission or the alcoholic beverage control board with a service-related disability or following at least 15 years of service with any such law enforcement agency, board or any combination thereof, other than a person terminated for cause, provided such officer carries with him written proof of consultation with, and favorable review of the need to carry a concealed handgun issued by, the chief law enforcement officer of the last such agency from which the officer retired or, in the case of special agents, issued by the state corporation commission or the alcoholic beverage control board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the board to the department of state police for entry into the state criminal information network. The chief law enforcement officer shall not, without cause, withhold such written proof if the retired law enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of Code of Virginia, § 18.2-308(P), any person granted the privilege to carry a concealed handgun pursuant to this subsection, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

- (3) Any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:
 - a. Carriers of the United States mail;
 - b. Officers or guards of any state correctional institution;
 - c. Conservators of the peace, except that the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in Code of Virginia, § 18.2-308(D):
 - 1. Notaries public;

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2. Registrars;
3. Drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or
4. Commissioners in chancery;
- d. Noncustodial employees of the department of corrections designated to carry weapons by the director of the department of corrections pursuant to Code of Virginia, § 53.1-29;
- e. Law enforcement agents of the armed forces of the United States and federal agents who are otherwise authorized to carry weapons by federal law while engaged in the performance of their duties; and
- f. Law enforcement agents of the United States Naval Criminal Investigative Service.

- (4) Anyone holding a currently valid permit to carry a concealed weapon issued by a court of competent jurisdiction pursuant to law.

(Code 1973, § 10-29)

State law reference—Similar provisions, which also provide for granting of permits by a circuit court to qualified persons to carry concealed weapons, Code of Virginia, § 18.2-308.

Sec. 20-143. Selling or having in possession blackjacks, knives, etc.

If any person sells or barter, or exhibits for sale or for barter, or gives or furnishes, or causes 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, disc of whatever configuration having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, switchblade knife, ballistic 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 such weapon.

(Code 1973, § 10-30)

State law reference—Similar provisions, Code of Virginia, § 18.2-311.

Sec. 20-144. Pointing, holding or brandishing firearm, air or gas operated weapon, or object similar in appearance; penalty.

(a) It shall be unlawful for any person to point, hold or brandish any firearm, air or gas operated weapon, or object similar in appearance, whether capable of being fired or not, in such manner as to reasonably induce fear in the mind of another or hold a firearm or any air or gas operated weapon in a public place in such a manner as to reasonably induce fear in the mind of another of being shot or injured; however, this section shall not apply to any person engaged in excusable or justifiable self-defense. Persons violating the provisions of this section shall be guilty of a class 1 misdemeanor.

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(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 damages for injuries or death resulting to the person being arrested if he had reason to believe that the person being arrested was pointing, holding or brandishing such firearm or air or gas operated weapon, or object that was similar in appearance, with intent to induce fear in the mind of another.

(c) For purposes of this section, the word "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material.

(Code 1973, § 10-31)

State law reference—Similar provisions, Code of Virginia, § 18.2-282.

Chapter 21

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Chapter 22

PEDDLERS AND SOLICITORS*

Article I. In General

Secs. 22-1—22-30. Reserved.

Article II. Permit

- Sec. 22-31. Required.
- Sec. 22-32. Application—Required information.
- Sec. 22-33. Same—Personal references.
- Sec. 22-34. Same—Fingerprinting.
- Sec. 22-35. Same—Photographs.
- Sec. 22-36. Same—Bond.
- Sec. 22-37. Same—Fee.
- Sec. 22-38. Waiting period for issuance; investigation.
- Sec. 22-39. Registration or identification card.
- Sec. 22-40. Maximum term.
- Sec. 22-41. Denial for felony conviction.
- Sec. 22-42. Revocation.

***Cross reference**—Streets, sidewalks and other public places, ch. 24.

State law references—Local regulation of door-to-door vendors, Code of Virginia, § 15.2-913; municipal powers as to peddling, Code of Virginia, § 15.2-1114; license taxes on peddlers and itinerant merchants, Code of Virginia, § 58.1-3717 et seq.

PEDDLERS AND SOLICITORS

§ 22-35

ARTICLE I. IN GENERAL

Secs. 22-1—22-30. Reserved.

ARTICLE II. PERMIT*

Sec. 22-31. Required.

It shall be unlawful for any person to engage in soliciting, selling or taking orders for goods, wares, merchandise, subscriptions to magazines, photographs to be taken in the future or any article for future delivery on the public streets, lanes or alleys, or in any public place adjacent to a public street, lane or alley, or from house to house, in the town, unless he has a current permit to do so from the chief of police.

Sec. 22-32. Application—Required information.

Any person desiring to obtain a permit, as required by section 22-31, shall make application for such permit to the chief of police, which application shall show the following information:

- (1) Name and address of the applicant and each employee who will operate under the permit;
- (2) Name and address of the firm or corporation which such applicant represents;
- (3) Kinds of goods, wares or merchandise to be offered for sale;
- (4) Whether the applicant, upon any order obtained, will demand, accept or receive payment or a deposit of money in advance of final delivery of such goods, wares or merchandise;
- (5) Period of time during which such applicant wishes to solicit, sell and take orders in the town.

Sec. 22-33. Same—Personal references.

An application filed under this article shall be accompanied by two written personal references on behalf of the applicant.

Sec. 22-34. Same—Fingerprinting.

Any person filing an application under this article may be required to file his fingerprints with the chief of police.

Sec. 22-35. Same—Photographs.

An application filed under this article shall be accompanied by two satisfactory photographs of the applicant. One of such photographs shall be disposed of as provided in section 22-39, and the other photograph shall be retained by the chief of police.

***Editor's note**—This article replaces section 10-23 of the former town Code.

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Sec. 22-36. Same—Bond.

If an application filed under this article shows that the applicant will receive, demand or accept payment or deposit of money in advance of final delivery of goods, wares, merchandise or articles sold, or magazines, photographs or other articles, such application shall be accompanied by a bond in the penal sum of \$500.00, executed by the applicant as principal and a surety company licensed to do business in the state. Such surety shall be approved by the chief of police. Such bond shall be conditioned upon the making of final delivery of such goods, wares, merchandise, magazines, photographs or other articles in accordance with the terms of the orders obtained. Such bond shall be for the use and benefit of all persons paying in advance or making an advance deposit on the purchase price of such orders, and the terms of such bond shall stipulate such use.

Sec. 22-37. Same—Fee.

An application filed under this article shall be accompanied by a fee of \$20.00. Such fee shall be for the purpose of covering investigation costs and is not to be returned to the applicant if the permit is refused.

Sec. 22-38. Waiting period for issuance; investigation.

No permit required under this article shall be issued until the application for such permit has been on file with the chief of police for a period of 15 days. During such time, the chief of police shall make such investigation as may be determined necessary.

Sec. 22-39. Registration or identification card.

(a) Upon the issuance of a permit under this article, there shall be issued to the holder of such permit a registration or identification card. A photograph of the permittee, as referred to in section 22-35, shall be attached to such registration or identification card.

(b) Each person selling, soliciting or taking orders pursuant to a permit issued under this article shall, while so engaged, carry with him the registration or identification card issued under this section. It shall be the duty of such person to exhibit such card when requested by any person.

Sec. 22-40. Maximum term.

No permit required under this article shall be issued for a period of time longer than 12 months.

Sec. 22-41. Denial for felony conviction.

The chief of police may refuse to issue a permit applied for under this article to any person who has been convicted of a felony.

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§ 22-42

Sec. 22-42. Revocation.

The chief of police may, because of any fraudulent practice, misrepresentation, violation of the provisions of this article or deviation from the method or plan of solicitation described in the permit application, revoke a permit issued under this article. Such revocation shall result in the invalidation of the registration or identification card issued pursuant to section 22-39.

Chapter 23

RESERVED

Chapter 24

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

Article I. In General

- Sec. 24-1. Encroachments and obstructions—Unlawful placement; telephone, electric and telegraph poles.
- Sec. 24-2. Same—Removal; violation; costs incurred by town.
- Sec. 24-3. Removal of snow, sleet and ice from sidewalks.
- Sec. 24-4. Signs, awnings, etc.
- Sec. 24-5. Open gates across sidewalks.
- Sec. 24-6. Laying of materials in streets during construction.
- Sec. 24-7. Planting of shade trees.
- Sec. 24-8. Erection and removal of mailboxes.
- Sec. 24-9. Grade and alignment.
- Sec. 24-10. Construction, repair, etc., of sidewalks and private driveways by owners or occupants.
- Secs. 24-11—24-40. Reserved.

Article II. Excavations

- Sec. 24-41. Permit—Required.
- Sec. 24-42. Same—Bond or cash deposit preceding issuance.
- Sec. 24-43. Use of streets for excavated earth.
- Sec. 24-44. Barricades and other safety precautions; liability of town.
- Sec. 24-45. Restoration of surfaces.

***Cross references**—Any ordinance naming, renaming, opening, accepting or vacating streets, alleys, easements or rights-of-way in the town saved from repeal, § 1-12(11); discarding of disabled or dead animals on roads or private property, § 4-4; environment, ch. 12; same—placement of containers on street edge, § 16-45; manufactured homes and trailers, ch. 18; playing ball, engaging in dangerous sports, etc. on streets, sidewalks and alleys, § 20-10; profane swearing and intoxication in public; transportation of inebriates to detoxication center, § peddlers and solicitors, ch. 22; subdivisions, ch. 26; traffic and vehicles, ch. 30; utilities, ch. 32; zoning, ch. 34.

State law references—Local streets and sidewalks, Code of Virginia, § 15.2-2000 et seq.; taxes or assessments for local improvements, Code of Virginia, § 15.2-2404 et seq.; state highway plat book, Code of Virginia, § 17.1-238; state highway system, Code of Virginia, § 33.1-25 et seq.; local authority over highways, Code of Virginia, § 33.1-224 et seq.; pipelines and other works in streets, alleys, etc., Code of Virginia, § 56-257 et seq.

ARTICLE I. IN GENERAL

Sec. 24-1. Encroachments and obstructions—Unlawful placement; telephone, electric and telegraph poles.

No person shall obstruct a street or sidewalk by placing, or permitting to be placed thereon, any fence, gate, porch, steps, post, bench, shelf, structure, goods, boxes, merchandise or any other articles or fixtures whatsoever, whether for exhibition, sale or any other purpose; provided, that telegraph, electric and telephone companies, when authorized by the town council to do business in the town, may place such reasonable number of posts in the streets as may be requisite for their business, but they shall be located and moved according to the direction and under the supervision of the town council or its designated committee; provided, further, that no telephone, telegraph or other pole shall be planted on any street of the town except immediately within and against the curbing of the sidewalk, and any such pole or post already planted outside the curbing shall be removed when it is so directed by the town council or its designated committee, and no such pole or post shall be erected or planted until it is inspected and approved by the town council or its designated committee.

(Code 1973, § 11-1)

Sec. 24-2. Same—Removal; violation; costs incurred by town.

(a) It shall be the duty of the mayor and police to cause all obstructions, howsoever small, to be removed from the public streets, sidewalks and footways of the town and from all culverts, sewers and drains in the town. Such obstructions shall be removed by the person causing the obstruction or, when unknown, by the town authorities.

(b) When a person shall willfully cause such obstruction or refuse to remove it after notice to do so by any police officer, he shall be guilty of a class 4 misdemeanor. Such obstructions may be removed by the town and the cost thereof charged up to the party causing the obstruction, with 20 percent added as damages, which shall be collected as costs are collected or in any other manner authorized by law.

(Code 1973, § 11-2)

Sec. 24-3. Removal of snow, sleet and ice from sidewalks.

It shall be the duty of all owners, occupants and persons in charge of real estate in the town to remove snow, ice and sleet from sidewalks on which their property borders. The snow, ice and sleet shall be removed within five hours after snow or sleet stops falling, except should the five-hour limit require the removal after nightfall, in which event the snow, ice and sleet shall be removed immediately after 9:00 a.m. the following day.

(Code 1973, § 11-3)

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Sec. 24-4. Signs, awnings, etc.

It shall be unlawful for any person to construct or hang any sign, awning or other thing over any sidewalk, unless such sign, awning or other thing be placed at least 7½ feet above such sidewalk.

(Code 1973, § 11-4)

Sec. 24-5. Open gates across sidewalks.

It shall be unlawful for any resident of the town to permit his gate to remain open across the sidewalk so as to impede pedestrians along such sidewalk.

(Code 1973, § 11-5)

Sec. 24-6. Laying of materials in streets during construction.

One-half of the street, not including sidewalk, opposite a lot upon which any building or wall is being erected may be used for the purpose of laying timber and other building material during such reasonable time as may be necessary, but no longer. Should there be buildings on opposite sides of the streets at the same time, then each party may occupy only one-fourth of such street or roadway. When such building or wall is being erected, the sidewalk in front thereof shall not be obstructed, but, for the protection of persons passing, a shed or platform shall be erected over the sidewalk which shall be at least eight feet high, as wide as the pavement and as long as the building or wall which is being constructed. This provision shall only apply in cases in which buildings and walls are placed on or near the street.

(Code 1973, § 11-6)

Cross reference—Buildings and building regulations, ch. 6.

Sec. 24-7. Planting of shade trees.

Any owner of any lot of land in the town shall be permitted to plant shade trees at proper and regular intervals within the curblin of the sidewalk, immediately in front of and adjacent to such lot; provided, that no aspen, mulberry, locust or cottonwood trees shall be planted on the sidewalks or streets of the town.

(Code 1973, § 11-7)

Sec. 24-8. Erection and removal of mailboxes.

(a) Mailboxes which conform to the specifications of the United States Postal Service and are erected in compliance with the regulations thereof may be installed by any landowner in the sidewalk on or in front of his land within the town if erected within the curblin and placed so as not to impede or interfere with traffic and the regular use of such sidewalk; and any landowner in the town shall be authorized to give written permission to any person to install such a mailbox on the sidewalk in front of his property, which written permission to be effective shall be filed with the town clerk and treasurer; provided, that all other installations of mailboxes in sidewalks in the town shall be unlawful.

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(b) All abandoned mailboxes and all mailboxes not complying with the provisions of this section shall be removed by the owner thereof within 30 days after notice by the town clerk and treasurer, and failure so to do shall constitute a violation of this section.

(Code 1973, § 11-8)

Sec. 24-9. Grade and alignment.

(a) When a streetline, grade of centerline or curb of any street or sidewalk is established by the town council or by a town officer duly designated for such purpose, such grade and alignment shall be official, and no person shall change such grade or alignment so fixed.

(b) The situation, range, height, width and pitch of the curbstones and pavements shall be determined and established by the town council, or by a town officer duly designated for such purpose, and shall be complied with.

(Code 1973, § 11-9)

Sec. 24-10. Construction, repair, etc., of sidewalks and private driveways by owners or occupants.

Any person owning, occupying or in charge of any property in the town who is required or holds a town permit to construct, maintain, alter or repair any sidewalk on or adjacent to such property, or to construct, maintain, alter or repair a private driveway extending from a street onto such property, shall, in the performance of such work, comply with all applicable standards and specifications of the town relating to such work.

(Code 1973, § 11-10)

Secs. 24-11—24-40. Reserved.

ARTICLE II. EXCAVATIONS

Sec. 24-41. Permit—Required.

No person shall dig a ditch or otherwise excavate any street, sidewalk or public place in the town without having procured from the mayor a permit so to do.

(Code 1973, § 11-11)

Sec. 24-42. Same—Bond or cash deposit preceding issuance.

The mayor, as a condition precedent for the issuance of a permit under this article, may require the applicant therefor to post bond, with corporate surety, payable to the town, in such amount as the mayor may deem necessary to reimburse the town for expenses which may be incurred by the town should the permittee fail to abide by the conditions of the permit or this article, or fail to restore the surface to a satisfactory condition; or, in lieu of such bond, a cash deposit may be made with the town clerk and treasurer.

(Code 1973, § 11-12)

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Sec. 24-43. Use of streets for excavated earth.

In any permit issued pursuant to this article, the mayor may grant to a building contractor, or other permittee doing construction work, permission to place excavated earth upon such portion of a street as not to impede vehicular traffic, if no other space for such excavated earth be available; but no earth shall be placed upon a street in such manner as to interfere with the drainage of the street or any gutter, and all earth so placed upon a street shall be removed at the end of each day.

(Code 1973, § 11-13)

Sec. 24-44. Barricades and other safety precautions; liability of town.

All persons making excavations pursuant to this article shall, at places of such excavations, erect adequate barriers, provide light during periods of darkness, and take such other measures as may be reasonably necessary to protect persons, animals and property against any dangerous conditions; provided, that in no case shall the town be considered to have waived its immunity from liability by reason of the failure of any permittee to comply with this section.

(Code 1973, § 11-14)

Sec. 24-45. Restoration of surfaces.

Each person holding a permit under this article shall restore the surface of the place of excavation to such a condition as good, in the opinion of the mayor upon inspection, as before the excavation was made. The mayor may require the street force of the town to restore the surface to its former condition and charge the actual cost of such work to the person who obtained the permit. Such charge shall be collected in the same manner as the town taxes, if adequate bond or cash deposit has not been made.

(Code 1973, § 11-15)

Chapter 25

RESERVED

Chapter 26

SUBDIVISIONS*

Sec. 26-1. Ordinance adopted by reference.

***Cross references**—Environment, ch. 12; manufactured homes and trailers, ch. 18; streets, sidewalks and other public places, ch. 24; utilities, ch. 32; zoning, ch. 34.

State law references—Land subdivision and development, Code of Virginia, § 15.2-2240 et seq.; Virginia Public Records Act, Code of Virginia, § 42.1-76 et seq.; Subdivided Land Sales Act of 1978, Code of Virginia, § 55-336 et seq.

SUBDIVISIONS

§ 26-1

Sec. 26-1. Ordinance adopted by reference.

The town's subdivision ordinance, as amended, is made a part of this section as if set out at length in this section.

Chapter 27

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Chapter 28

TAXATION*

Article I. In General

Sec. 28-1. Payment of taxes; penalty for delinquency.
Secs. 28-2—28-30. Reserved.

Article II. Consumer Utility Taxes

Division 1. Generally

Sec. 28-31. Maximum rate; not applicable to excess charges.
Sec. 28-32. Mobile local telecommunications service tax imposed.
Secs. 28-33—28-50. Reserved.

Division 2. Electricity

Sec. 28-51. Purpose.
Sec. 28-52. Definitions.
Sec. 28-53. Penalties for violations.
Sec. 28-54. Imposed; classification of consumers.
Sec. 28-55. Exempt consumers.
Sec. 28-56. Billing; remittance; failure to pay; collection.
Sec. 28-57. Computation of bimonthly bills.

***Cross references**—Administration, ch. 2; finance, § 2-251 et seq.; businesses, ch. 8.

State law references—Municipal taxes and assessments, Code of Virginia, § 15.2-1104; taxation generally, Code of Virginia, § 58.1-1 et seq.; priority of taxes in distribution of assets of person or corporation, Code of Virginia, § 58.1-6 et seq.; Setoff Debt Collection Act, Code of Virginia, § 58.1-520 et seq.; local sales and use taxes, Code of Virginia, § 58.1-605 et seq.; local bank franchise tax, Code of Virginia, § 58.1-1208 et seq.; local taxes generally, Code of Virginia, § 58.1-3000 et seq.; town tax levies, Code of Virginia, § 58.1-3005; enforcement, collection, refunds, remedies and review of local taxes, Code of Virginia, § 58.1-3900 et seq.

TAXATION

§ 28-31

ARTICLE I. IN GENERAL

Sec. 28-1. Payment of taxes; penalty for delinquency.

All taxes imposed on real estate, personal property, utilities or property of any kind upon which the town may lay a levy shall become due and payable to the town clerk and treasurer, at his office, for each calendar year, on or before January 5 of the next year, unless they become due and payable at an earlier date by other provisions of law, and, if such taxes are not so paid on or before January 5 of the year following that in which such levy is made, the following penalties apply: If the bill is less than \$10.00, the penalty is the amount of the bill. If the bill is between \$10.01 and \$100.00, inclusive, the penalty is \$10.00. If the bill is over \$100.00, the penalty is ten percent of the bill amount.

(Code 1973, § 1-10)

State law reference—Failure to pay taxes, Code of Virginia, § 58.1-3915.

Secs. 28-2—28-30. Reserved.

ARTICLE II. CONSUMER UTILITY TAXES*

DIVISION 1. GENERALLY

Sec. 28-31. Maximum rate; not applicable to excess charges.

(a) The town ordinances imposing utility taxes upon consumers of the utility service or services provided by telegraph and telephone companies, or other corporations coming within the provisions of Code of Virginia, § 58.1-2600 et seq., be and hereby are increased to the maximum rate permitted by Code of Virginia, § 58.1-3812, to wit: 20 percent of the monthly amount charged to consumers of the utility service; however, the tax of 20 percent shall not be applicable to any amount so charged in excess of \$15.00 per month for residential customers. This subsection shall not apply to electric power service.

(b) The town ordinances imposing utility taxes upon consumers of the utility service or services provided by telegraph and telephone companies, or other corporations coming within the provisions of Code of Virginia, § 58.1-2600 et seq., be and hereby are amended to provide that the consumer utility tax imposed by the town upon nonresidential consumers of telephone service shall not be imposed upon any amount charged for such service in excess of \$100.00 per month.

(c) In all regards other than the change effected by this section, the town consumer utility tax heretofore duly adopted is ratified and reaffirmed, and shall remain in full force and effect. (Ord. of 7-9-1990; Ord. of 9-10-1990)

***Cross reference**—Utilities, ch. 32.

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Sec. 28-32. Mobile local telecommunications service tax imposed.

Under the provisions and definitions of Code of Virginia, § 58.1-3812, there will be imposed and levied on each purchaser of mobile local telecommunications service, a tax of ten percent of the taxable monthly charge for such services; provided, however, that the tax shall not be applicable to any amount in excess of \$30.00. The service provider of local telecommunications services shall collect the tax monthly from consumers by adding the tax to the monthly gross charge for such services. The tax shall be stated as a distinct item separate and apart from the monthly gross charge. Each service provider shall remit monthly to the town the amount of tax billed during the preceding month to consumers with a service address within the town limits. (Ord. of 01-12-2004)

Secs. 28-33—28-50. Reserved.

DIVISION 2. ELECTRICITY

Sec. 28-51. Purpose.

The purpose of this division is to conform the town's consumer utility tax to Code of Virginia, § 58.1-3814 with respect to such tax on consumers of electrical service. This division does not alter section 28-31 with respect to consumers of telephone service. (Ord. of 10-9-2000, § D)

Sec. 28-52. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consumer means every person who, 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 cogenerators), as defined in Code of Virginia, § 56-594, it means kilowatt hours supplied from the electric grid to such customer generators minus the kilowatt hours generated and fed back to the electric grid by such customer generators.

Provider of billing services means the person who bills a consumer for electric services rendered. If both the service provider and another person separately and directly bill a consumer for electricity service, then the service provider shall be considered the provider of billing services.

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.

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

(Ord. of 10-9-2000, § A)

Cross reference—Definitions generally, § 1-2.

Sec. 28-53. Penalties for violations.

Any consumer of electricity failing, refusing or neglecting to pay the tax imposed and levied under this division, and any officer, agent or employee of any provider of billing services violating the provisions of this division, shall, upon conviction thereof, be punished by a fine of not less than \$100.00 nor more than \$1,000.00, or by imprisonment in jail for not more than 30 days, or by both such fine and imprisonment. 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 division.

(Ord. of 10-9-2000, § C)

Sec. 28-54. Imposed; classification of consumers.

In accordance with Code of Virginia, § 58.1-3814, 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: On each kWh delivered monthly, not to exceed \$3.00 monthly, plus the rate of \$0.015243 \$1.40
- (2) Nonresidential consumers: Such tax on nonresidential consumers shall be at the rates per month for the classes of nonresidential consumers as set forth below:
 - a. Commercial consumers: On each kWh delivered monthly, not to exceed \$20.00 monthly, plus the rate of \$0.014663..... 2.29
 - b. Industrial consumers: On each kWh delivered monthly, not to exceed \$20.00 monthly, plus the rate of \$0.014663..... 2.29

(Ord. of 10-9-2000, § B(a))

Sec. 28-55. Exempt consumers.

The following consumers of electricity are exempt from the tax imposed by this division:

- (1) Any public safety agency.
- (2) The United States of America, the commonwealth and the political subdivisions thereof, including this jurisdiction.

(Ord. of 10-9-2000, § B(b))

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Sec. 28-56. Billing; remittance; failure to pay; collection.

(a) The provider of billing services shall bill the electricity consumer tax to all users who are subject to the tax and to whom the service provider delivers electricity and shall remit the tax to this jurisdiction on a monthly basis. Such taxes shall be paid by the provider of billing services to this jurisdiction in accordance with Code of Virginia, § 58.1-3814(F), (G) and Code of Virginia, § 58.1-2901. If any consumer receives and pays for electricity but refuses to pay the tax imposed by section 28-54, the provider of billing services shall notify this jurisdiction of the name and address of such consumer. If any consumer fails to pay a bill issued by a provider of billing services, including the tax imposed by section 28-54, the provider of billing services 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.

(b) Any tax paid by the consumer to the provider of billing services shall be deemed to be held in trust by such provider until remitted to this jurisdiction.

(Ord. of 10-9-2000, § B(c))

Sec. 28-57. Computation of bimonthly bills.

Bills shall be considered as monthly bills for the purposes of this division if submitted 12 times per year of approximately one month each. Accordingly, the tax for a bimonthly bill (approximately 60 days) shall be determined as follows:

- (1) The kWh will be divided by 2;
- (2) A monthly tax will be calculated using the rates set forth in section 28-54;
- (3) The tax determined by subsection (2) shall be multiplied by 2;
- (4) The tax in subsection (3) may not exceed twice the monthly maximum tax.

(Ord. of 10-9-2000, § B(d))

Chapter 29

RESERVED

Chapter 30

TRAFFIC AND VEHICLES*

Article I. In General

- Sec. 30-1. Short title.
- Sec. 30-2. State law adopted.
- Sec. 30-3. Violation; penalty.
- Sec. 30-4. Riding bicycles, electric personal assistive mobility devices, etc.; riding or driving animals.
- Sec. 30-5. Traffic control signs, signals, markings and devices—Placement.
- Sec. 30-6. Same—Compliance.
- Sec. 30-7. Fire lanes on private property devoted to public use.
- Sec. 30-8. Authority of firefighters and rescue squad members to direct traffic.
- Sec. 30-9. Approach of emergency vehicles; drivers to yield right-of-way; violation.
- Sec. 30-10. Emergency vehicle defined.
- Sec. 30-11. Injury, removal, manipulation, etc., of vehicles, aircraft, boats, etc.
- Sec. 30-12. Washing, polishing or greasing vehicle on street or sidewalk.
- Sec. 30-13. Vehicle noise.
- Sec. 30-14. Throwing or depositing injurious or hazardous substances upon highway; removal of substances; exception.
- Secs. 30-15—30-50. Reserved.

Article II. Town Vehicle License

- Sec. 30-51. Required.
- Sec. 30-52. License year.
- Sec. 30-53. Tax.
- Sec. 30-54. Issuance; denial.
- Sec. 30-55. Tax receipt; decal—Issuance.
- Sec. 30-56. Same—Required for operation; violation.
- Sec. 30-57. Records.
- Secs. 30-58—30-90. Reserved.

***Cross references**—Profane swearing and intoxication in public; transportation of inebriates to detoxication center, § 20-13; streets, sidewalks and other public places, ch. 24.

State law references—Parking facilities, Code of Virginia, § 15.2-967; limited access streets, Code of Virginia, § 15.2-2026; regulation of traffic, Code of Virginia, § 15.2-2028; regulation of transportation of certain materials, Code of Virginia, § 15.2-2029; identification of disabled parking spaces by abovegrade signage, Code of Virginia, § 36-99.11; motor vehicles, Code of Virginia, § 46.2-100 et seq.; licensure of drivers, Code of Virginia, § 46.2-300 et seq.; local vehicle license, Code of Virginia, § 46.2-752 et seq.; regulation of traffic, Code of Virginia, § 46.2-800 et seq.; abandoned vehicles, Code of Virginia, § 46.2-1200 et seq.; removal of vehicles involved in accidents, Code of Virginia, § 46.2-1212; removal or immobilization of motor vehicles against which there are outstanding parking violations, Code of Virginia, § 46.2-1216; regulation of traffic on certain parking lots, Code of Virginia, § 46.2-1219; parking regulations in cities, towns and certain counties, Code of Virginia, § 46.2-1220; general powers of local governments as to motor vehicles, Code of Virginia, § 46.2-1300 et seq.

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Article III. Parades and Processions

- Sec. 30-91. Permit required; exceptions.
- Sec. 30-92. Funeral processions.
- Secs. 30-93—30-120. Reserved.

Article IV. Stopping, Standing and Parking

- Sec. 30-121. Prohibited where signs or markings indicate; authority of town council to designate prohibited areas and erect signs and markings; permission prior to installation.
- Sec. 30-122. Parking prohibited in specified places.
- Sec. 30-123. Manner of parking.
- Sec. 30-124. Angle parking.
- Sec. 30-125. Keeping of inoperable motor vehicles; removal; violation.
- Sec. 30-126. Unattended vehicles—Removal and disposition—When found on public or private property, illegally parked, or immobilized.
- Sec. 30-127. Same—Same—When abandoned on private property.
- Sec. 30-128. Same—Sale of personal property found.
- Sec. 30-129. Same—Contracts with private persons for removal or storage.

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ARTICLE I. IN GENERAL

Sec. 30-1. Short title.

This chapter shall be known and may be cited as the "Alberta Virginia Traffic Ordinance," or simply as the "traffic ordinance."

(Code 1973, § 8-1)

Sec. 30-2. State law adopted.

Pursuant to the authority of Code of Virginia, § 46.2-1313 and Code of Virginia, § 1-13.39:2, all of the provisions and requirements of the laws of the state contained in Code of Virginia, tit. 46.2 and Code of Virginia, § 18.2-266 et seq., as in force on July 1, 2003, and all future amendments thereto, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. References to the term "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length in this section, and it shall be unlawful for any person, within the town, to violate or fail, neglect or refuse to comply with any provision of Code of Virginia, tit. 46.2 or Code of Virginia, § 18.2-266 et seq., which are adopted by this section; provided, however, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Code of Virginia, tit. 46.2 or Code of Virginia, § 18.2-266 et seq.

(Code 1973, § 8-2; Ord. of 4-8-1996)

Sec. 30-3. Violation; penalty.

(a) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter, or any rule or regulation promulgated pursuant thereto.

(b) Every person convicted of a violation of any of the provisions of this chapter and such violation does not constitute a felony, or who is convicted of violating any rule or regulation promulgated pursuant thereto for which no other penalty is provided, shall be punished by a fine of not more than that provided for a class 4 misdemeanor.

(Code 1973, § 8-15)

State law references—Similar provisions, Code of Virginia, § 46.2-113; state law prohibiting towns from imposing a penalty for violation of traffic ordinance in excess of that imposed for a similar offense by the state, Code of Virginia, § 46.2-1300.

Sec. 30-4. Riding bicycles, electric personal assistive mobility devices, etc.; riding or driving animals.

(a) Every person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, or an animal, or driving an animal on a highway, shall be subject to the provisions of this chapter and shall have all of the rights and duties applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise.

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(b) The provisions of Code of Virginia, § 46.2-920(A), (C) applicable to operation of emergency vehicles under emergency conditions shall also apply, mutatis mutandis, to bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds operated under similar emergency conditions by law enforcement officers.

(Code 1973, § 8-3)

Cross reference—Animals, ch. 4.

State law reference—Similar provisions, Code of Virginia, § 46.2-800.

Sec. 30-5. Traffic control signs, signals, markings and devices—Placement.

When the town council designates an intersection as one at which the driver of a vehicle is required to stop or to yield the right-of-way before entering such intersection; or designates a street upon which traffic is to proceed only in one direction; or designates a place at which U-turns are prohibited or at which turning movements are otherwise prohibited or restricted; or imposes any other regulation of traffic for which a traffic control sign, signal, marking or device, by state law, is required to be in place to give notice to drivers of vehicles or pedestrians, the town council shall cause such traffic control sign, signal, marking or device to be installed and maintained as required by law.

(Code 1973, § 8-4)

State law reference—Uniform marking and signing of highways, drivers to obey signs, Code of Virginia, § 46.2-830.

Sec. 30-6. Same—Compliance.

All traffic control signs, signals, markings and devices which are in place anywhere within the town pursuant to authority of state law, this Code or other ordinance shall be complied with; and it shall be unlawful for the driver of any vehicle or for any pedestrian to violate or fail to comply with any requirement, prohibition or directive contained in any such traffic control sign, signal, marking or device, except by directive of a police officer.

(Code 1973, § 8-6)

Sec. 30-7. Fire lanes on private property devoted to public use.

(a) The marking of fire lanes on private property devoted to public use shall be approved by the chief of the fire department and the chief of police.

(b) Parking of motor vehicles or motor vehicles otherwise obstructing fire lanes shall be prohibited at all times.

(Code 1973, § 8-5)

Cross reference—Fire prevention and protection, ch. 14.

Sec. 30-8. Authority of firefighters and rescue squad members to direct traffic.

(a) Members of the fire department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire and, while so acting, shall have all the authority of police officers.

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(b) Members of any duly organized rescue squad may direct or assist the police in directing traffic at or in the immediate vicinity of an accident and, while so acting, shall have all the authority of police officers.

(Code 1973, § 8-7)

State law reference—Authority of town to adopt ordinances as to powers and duties of fire/EMS companies, etc., Code of Virginia, § 27-14.

Sec. 30-9. Approach of emergency vehicles; drivers to yield right-of-way; violation.

(a) Upon the approach of any emergency vehicle, as defined in Code of Virginia, § 46.2-920 and section 30-10, giving audible signal by siren, exhaust whistle, or air horn designed to give automatically intermittent signals, and displaying a flashing, blinking or alternating emergency light, as provided in Code of Virginia, §§ 46.2-1022—46.2-1024, the driver of every other vehicle shall, as quickly as traffic and other highway conditions permit, drive to the nearest edge of the roadway, clear of any intersection of highways, and stop and remain there, unless otherwise directed by a law enforcement officer, until the emergency vehicle has passed. This provision shall not relieve the driver of any such vehicle to which the right-of-way is to be yielded of the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.

(b) Violation of this section shall constitute failure to yield the right-of-way; however, any violation of this section that involves overtaking or passing a moving emergency vehicle giving an audible signal and displaying activated warning lights, as provided for in this section, shall constitute reckless driving, punishable as provided in Code of Virginia, § 46.2-868.

(Code 1973, § 8-8(a))

State law reference—Similar provisions, Code of Virginia, § 46.2-829.

Sec. 30-10. Emergency vehicle defined.

For the purposes of section 30-9, the term "emergency vehicle" shall mean any:

- (1) Law enforcement vehicle operated by or under the direction of a federal, state or local law enforcement officer in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation, or in response to an emergency call.
- (2) Regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation.
- (3) Vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call.
- (4) Ambulance, rescue or lifesaving vehicle designed or used for the principal purpose of supplying resuscitation or emergency relief where human life is endangered.
- (5) Department of emergency management vehicle or office of emergency medical services vehicle, when responding to an emergency call or operating in an emergency situation.

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- (6) Department of corrections vehicle designated by the director of the department of corrections, when:
- a. Responding to an emergency call at a correctional facility;
 - b. Participating in a drug-related investigation;
 - c. Pursuing escapees from a correctional facility; or
 - d. Responding to a request for assistance from a law enforcement officer.
- (7) Vehicle authorized to be equipped with alternating, blinking or flashing red or red and white secondary warning lights under the provisions of Code of Virginia, § 46.2-1029.2.
(Code 1973, § 8-8(b))

Cross reference—Definitions generally, § 1-2.

State law reference—Similar provisions, Code of Virginia, § 46.2-920.

Sec. 30-11. Injury, removal, manipulation, etc., of vehicles, aircraft, boats, etc.

- (a) Any person who shall do the following shall be guilty of a class 1 misdemeanor:
- (1) Individually or in association with one or more others, willfully break, injure, tamper with or remove any part of any vehicle, aircraft, boat or vessel for the purpose of injuring, defacing or destroying such vehicle, aircraft, boat or vessel, or temporarily or permanently preventing its useful operation, or for any purpose, against the will or without the consent of the owner of such vehicle, aircraft, boat or vessel; or
 - (2) In any other manner, willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat or vessel.
- (b) Any person who shall do the following shall be guilty of a class 1 misdemeanor; except, that this subsection shall not apply when any such act is done in an emergency or in furtherance of public safety, or by or under the direction of an officer in the regulation of traffic or performance of any other official duty:
- (1) Without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, climb into or upon such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad with intent to commit any crime, malicious mischief or injury thereto; or
 - (2) While a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad is at rest and unattended, attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to set into motion such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad with the intent to commit any crime, malicious mischief or injury thereto.

(Code 1973, § 8-9)

State law reference—Similar provisions, Code of Virginia, §§ 18.2-146, 18.2-147.

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Sec. 30-12. Washing, polishing or greasing vehicle on street or sidewalk.

No person shall wash, polish or grease a vehicle upon a street or sidewalk; nor shall the owner of a vehicle permit it to be washed, polished or greased upon a street or sidewalk.
(Code 1973, § 8-10)

Sec. 30-13. Vehicle noise.

(a) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any street of the town of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any street to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited. This subsection shall not apply to motor vehicles driven in a duly authorized parade. The use of a loudspeaker on a motor vehicle for making auction sales in streets directly in front of the property then being sold, and entirely outside of the business districts of the town, shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of such property.

(c) It shall be unlawful for any person, in operating a motor vehicle or motorcycle within the town, to create in the operation thereof any unreasonably loud or disturbing.

(d) In operating a motor vehicle or motorcycle, the following acts, among others, are declared to create loud, disturbing and unreasonable noises in violation of this section; but such enumeration shall not be deemed to be exclusive, namely:

- (1) Use of a motor vehicle or motorcycle so out of repair as to cause thereby loud and unreasonable grating, grinding, rattling or any of such noises, or any other unreasonable noise.
- (2) Practice of unnecessarily racing the motor of a motor vehicle or motorcycle while standing or moving, thereby causing unreasonable noise from such motor.
- (3) Practice of unnecessarily retarding the spark to the motor of a motorcycle and thereby causing unreasonable, loud and explosive noise from the motor.
- (4) In starting a motor vehicle or motorcycle from a standing position, practice of gaining speed unnecessarily quickly and thereby causing unreasonable and loud noise from the motor and the screeching of tires, or either of such noises.
- (5) Practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires, or either of such noises.

(Code 1973, § 8-13)

State law reference—Prohibition against muffler cutouts, etc., Code of Virginia, § 46.2-1047.

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Sec. 30-14. Throwing or depositing injurious or hazardous substances upon highway; removal of substances; exception.

(a) 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 any 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 material shall immediately remove such destructive, hazardous or injurious material 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 persons violating the provisions of this section shall be guilty of a class 1 misdemeanor.

(b) This section shall not apply to the use by a law enforcement officer, while in the discharge of official duties, of any device designed to deflate tires. The division of purchase and supply shall, pursuant to Code of Virginia, § 2.2-1112, set minimum standards for such devices and shall give notice of such standards to law enforcement offices in the commonwealth. No such device shall be used which does not meet or exceed the standards.

(Code 1973, § 8-14)

State law reference—Similar provisions, Code of Virginia, § 18.2-324.

Secs. 30-15—30-50. Reserved.

ARTICLE II. TOWN VEHICLE LICENSE*

Sec. 30-51. Required.

Every person owning a motor vehicle which is kept, stored or garaged within the town and operated on the streets of the town shall obtain annually a town license for such motor vehicle and pay the license tax thereon as prescribed in this article; provided, that the owner of a motor vehicle currently licensed by another state municipality or county who establishes his residence in the town need not procure a town license for such vehicle until the beginning of the next succeeding license year.

(Code 1973, § 8-26)

Sec. 30-52. License year.

The town motor vehicle license year shall be for the period of March 1 through the last day of February of each year.

(Code 1973, § 8-27)

***State law reference**—Authority of towns to levy and assess taxes and charge license fees upon motor vehicles, trailers and semitrailers, Code of Virginia, § 46.2-752 et seq.

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Sec. 30-53. Tax.

The annual license tax on motor vehicles shall be as set by the town council.
(Code 1973, § 8-28)

Sec. 30-54. Issuance; denial.

Motor vehicle licenses shall be issued by the town clerk and treasurer, upon proper application therefor and payment of the prescribed license tax; provided, that the town clerk and treasurer shall ascertain as to each applicant whether there remains any unpaid personal property tax on any motor vehicle registered in the name of the applicant, and he shall refuse to issue a license to such applicant unless and until such tax, together with any lawful penalty, fee and interest thereon, has been paid.

(Code 1973, § 8-30)

State law reference—Denial of municipal vehicle license if personal property tax on vehicle remains unpaid, Code of Virginia, § 46.2-752(C).

Sec. 30-55. Tax receipt; decal—Issuance.

For each vehicle licensed under this article, the town clerk and treasurer shall issue, in addition to a license tax receipt, a decal which bears the name of the town, a license number and the year for which issued. If a decal is issued, it shall be affixed to the windshield of the vehicle to which it relates, on the right side of the state inspection sticker, or as otherwise specified by the superintendent of the state police department.

(Code 1973, § 8-31)

Sec. 30-56. Same—Required for operation; violation.

No vehicle required to be licensed by this article shall be operated on the streets of the town unless the prescribed license tax has been paid and the vehicle displays a decal issued therefor for the current license year. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor for each offense, and each day of violation shall constitute a separate offense.

(Code 1973, § 8-33)

Sec. 30-57. Records.

It shall be the duty of the town clerk and treasurer to keep a record of all persons to whom licenses are issued under this article, showing for each person the vehicle licensed, the number of the license, date of issuance of the license and the amount of the license tax paid.

(Code 1973, § 8-32)

Secs. 30-58—30-90. Reserved.

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ARTICLE III. PARADES AND PROCESSIONS

Sec. 30-91. Permit required; exceptions.

No procession or parade, excepting the armed forces of the United States or of the state, the forces of the police and fire departments of the town and funeral processions, shall occupy, march or proceed along any street, except in accordance with a permit issued by the town council, or its duly authorized agent, and such other regulations as are set forth in this chapter which may apply.

(Code 1973, § 8-11)

Sec. 30-92. Funeral processions.

(a) No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles, as defined in section 30-10.

(b) Each driver in a funeral procession shall drive as near to the righthand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

(Code 1973, § 8-12)

Secs. 30-93—30-120. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING*

Sec. 30-121. Prohibited where signs or markings indicate; authority of town council to designate prohibited areas and erect signs and markings; permission prior to installation.

(a) At any place where a traffic control sign or marking is in place, indicating that parking at such place is prohibited, or is prohibited during certain hours of the day or days of the week or in excess of a certain period of time, or is restricted to certain vehicles or certain uses, or is limited in any other respect, no person shall stand or park a vehicle or permit a vehicle to remain standing or parked at such place in violation of the prohibition or limitation indicated by such sign or marking.

(b) The town council may designate streets and public places, or portions thereof, within the town upon which or at which parking shall be prohibited, restricted or limited in such manner and to such extent as may be considered necessary by the council for the regulation of the use of such streets and public places in the best interests of the public, and may direct an appropriate town officer to place, or cause to be placed, traffic control signs or markings at such

***State law references**—Off-street parking facilities, Code of Virginia, § 15.2-967; authority of town to prohibit or regulate the parking of vehicles, Code of Virginia, § 46.2-1220.

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places to give notice of the prohibitions, restrictions or limitations so imposed. Included within the meaning of this section are traffic control signs and markings, among others not specified in this section, as follows:

- (1) No parking at any time;
- (2) No parking between 4:00 p.m. and 6:00 p.m.;
- (3) Two-hour parking;
- (4) Parking prohibited except Sundays and holidays;
- (5) No parking this side of street;
- (6) No parking from here to corner;
- (7) Bus stop;
- (8) Safety zone;
- (9) Physician parking only;
- (10) Official cars only; and
- (11) Other prohibitions, restrictions and limitations on parking, as determined by the town council.

(c) In any case where, by state law, permission of the commonwealth transportation commissioner or other state authority is required prior to erection of any traffic control device, such permission shall be obtained prior to installation of such device.

(Code 1973, § 8-16)

State law reference—Parking regulations, Code of Virginia, § 46.2-1220.

Sec. 30-122. Parking prohibited in specified places.

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of a crosswalk at an intersection; provided, that where there is no crosswalk at an intersection, no person shall so park a vehicle within 20 feet from the intersection of curblines or, if none, then within 15 feet of the intersection of property lines.
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

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- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.
- (9) Within 50 feet of the nearest rail of a railroad grade crossing.
- (10) Within 15 feet of the entrance to a fire station, or within 15 feet of the entrance to a building housing rescue squad equipment or an ambulance when such building is plainly designated, or within such greater distance as may be posted by an official traffic control sign.
- (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
- (12) On the roadway side of any vehicle parked at the edge or curb of a street.
- (13) At any place where official signs prohibit parking.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful; or start, or cause to be started, the motor of any motor vehicle; or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

(Code 1973, § 8-17)

State law reference—Similar provisions, Code of Virginia, §§ 18.2-147, 46.2-1239.

Sec. 30-123. Manner of parking.

(a) No vehicle shall be stopped or parked except close to and parallel to the righthand edge of the curb or roadway; except, that a vehicle may be stopped or parked close to and parallel to the lefthand curb or edge of the roadway on one-way streets or may be parked at an angle where angle parking is permitted; but nothing in this section shall be construed to permit stopping or parking at any place where stopping or parking is prohibited.

(b) When a parking space has been marked or otherwise designated by a traffic control device, a vehicle shall be parked so that it is entirely within such space, without any part of such vehicle or any appendage thereto or thing within or on such vehicle extending beyond such parking space.

(Code 1973, § 8-19)

State law reference—Similar provisions, Code of Virginia, § 46.2-889.

Sec. 30-124. Angle parking.

Notwithstanding any of the provisions of this chapter, the town council may, when in its discretion the public interest so requires, provide for angle parking on any street or portion thereof; provided, however, that such streets are marked so as to apprise an ordinarily observant person of such regulation.

(Code 1973, § 8-20)

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Sec. 30-125. Keeping of inoperable motor vehicles; removal; violation.

(a) It shall be unlawful for any person to keep, except within a fully enclosed building, structure or carport or under a suitable vehicle cover, or otherwise shielded or screened from view, on any property zoned for residential or commercial or agricultural purposes, any motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia, § 46.2-100, which is inoperable. For the purposes of this section, an inoperable motor vehicle is defined as any motor which is not in operating condition or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of the tires and wheels, the engine or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal or town decal.

(b) The owners of the property zoned for residential, commercial or agricultural purposes shall at such times, or times as the town prescribes, remove therefrom any such inoperable motor vehicles, trailers or semitrailers that are not kept in a fully enclosed building, structure or carport or covered with a suitable cover. The town, through its agents or employees, may remove any such inoperable motor vehicles, trailers or semitrailers whenever the owner of the premises, after reasonable notice, has failed to do so. If the town, through its own agents or employees, removes such motor vehicles, trailers or semitrailers after having given such reasonable notice, the town may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle. The cost of any such 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; and every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such cost has been made to the town. For purposes of this section, reasonable notice is defined as a notice mailed 15 days in advance to any action taken to the last known address of the owner of the property on which such inoperable vehicle is located.

(c) Any person violating this section shall be guilty of a class 4 misdemeanor, and each day the violation is allowed to continue after such conviction shall constitute a separate and distinct offense.

(Code 1973, § 8-21; Ord. of 5-14-2001)

State law reference—Similar provisions, Code of Virginia, §§ 15.2-904, 15.2-905.

Sec. 30-126. Unattended vehicles—Removal and disposition—When found on public or private property, illegally parked, or immobilized.

(a) *Grounds; written request; presumption of abandonment.*

(1) Any motor vehicle, trailer or semitrailer, or part thereof, may be removed for safekeeping, by or under the direction of any town police officer, to a storage area or garage designated by the town council whenever such motor vehicle, trailer or semitrailer, or part thereof, is:

- a. Left attended on a public highway or other public property and constitutes a traffic hazard;

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- b. Illegally parked;
 - c. Left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee or occupant; or
 - d. Immobilized on a public roadway by weather conditions or other emergency situation.
- (2) No motor vehicle, trailer or semitrailer, or part thereof, shall be removed from private property without the written request of the owner, lessee or occupant of the premises. The person at whose request the motor vehicle, trailer or semitrailer, or part thereof, is removed from private property shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof.
- (3) It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if it:
- a. Lacks either a current license plate; or a current county, city or town license plate or decal; or a valid state safety inspection certificate or sticker; and
 - b. It has been in a specific location for four days without being moved.

(b) *Report; notice; payment of costs.* Each such removal shall be immediately reported to the office of the chief of police and notice thereto given to the owner of such motor vehicle, trailer or semitrailer as promptly as possible. Such owner, before obtaining possession of such motor vehicle, trailer or semitrailer, shall pay to the persons entitled thereto all reasonably necessary costs incidental to the removal, storage, and locating such owner of, such motor vehicle, trailer or semitrailer. Should the owner fail or refuse to pay such 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 such owner at his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against such motor vehicle, trailer or semitrailer, or part thereof, the vehicle shall be treated as an abandoned vehicle under the provisions of Code of Virginia, § 46.2-1200 et seq.

(Code 1973, § 8-22)

State law references—Abandoned vehicles, Code of Virginia, § 46.2-1200 et seq.; immobilized and unattended vehicles, Code of Virginia, § 46.2-1209 et seq.; removal, Code of Virginia, § 46.2-1213.

Sec. 30-127. Same—Same—When abandoned on private property.

Whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any 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, any such motor vehicle, trailer or semitrailer may be removed for safekeeping, by or under the direction of a police officer, to a storage garage or area; provided, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof. The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the town against any loss or expense incurred by reason of

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removal, storage or sale thereof. Each removal shall be reported immediately to the chief of police, and notice thereof shall be given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The provisions of section 30-126 shall thereupon become applicable to this section.

(Code 1973, § 8-23)

State law reference—Authority to remove abandoned vehicles, Code of Virginia, § 46.2-1201.

Sec. 30-128. Same—Sale of personal property found.

Any personal property found in any unattended or abandoned motor vehicle, trailer or semitrailer may be sold incident to the sale of any such vehicle as authorized in section 30-126.

(Code 1973, § 8-24)

Sec. 30-129. Same—Contracts with private persons for removal or storage.

The town shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in sections 30-127 and 30-128. The contracts shall provide for the payment by the town of reasonable charges for the removal and storage of such vehicles and shall require such owners or operators to:

- (1) Deliver such vehicles to the owners thereof or their agents upon demand therefor, upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of such removal and storage charges;
- (2) Indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof; and
- (3) Provide themselves with adequate liability insurance to cover such indemnity.

(Code 1973, § 8-25)

Chapter 31

RESERVED

Chapter 32

UTILITIES*

Article I. In General

- Sec. 32-1. Administration and enforcement of chapter; superintendent defined.
- Sec. 32-2. Construction of wells and private water systems.
- Sec. 32-3. Permit required to uncover, make connection with, etc., public water mains or sewers.
- Sec. 32-4. Schedule of fees and charges for connecting to town water and sewer systems.
- Sec. 32-5. Payment of connection fees in full prior to issuance of permit.
- Sec. 32-6. Water and sewer service—Application; cash deposit.
- Sec. 32-7. Same—Charges.
- Sec. 32-8. Same—When bills due and payable; penalty for delinquent payment; disconnection and reconnection of water service.
- Sec. 32-9. Standby charge when water service disconnected; reconnection charge for property not on standby.
- Sec. 32-10. Credit allowed when known breakage or leakage in water line exists.
- Sec. 32-11. Destruction or damage of facilities; trespassing on electric generating property.
- Sec. 32-12. Tampering with metering device; diverting service; court-ordered restitution.
- Secs. 32-13—32-40. Reserved.

Article II. Sewer Service

Division 1. Generally

- Sec. 32-41. Definitions.
- Sec. 32-42. Violation of article when penalties not otherwise provided.
- Sec. 32-43. Unlawful waste disposal.
- Sec. 32-44. Prohibited privies and other sewage disposal facilities.
- Sec. 32-45. Certain properties required to have toilet facilities and be connected to public sanitary sewer; exceptions.
- Sec. 32-46. Private sewage disposal system—Required where public sewer not available.
- Sec. 32-47. Same—Type, capacity, location, layout and maintenance.
- Sec. 32-48. Penalties for introduction of prohibited wastes, unauthorized connections.
- Secs. 32-49—32-70. Reserved.

***Cross references**—Administration, ch. 2; superintendent of utilities, § 2-221 et seq.; businesses, ch. 8; environment, ch. 12; health and sanitation, ch. 16; superintendent of utilities to prescribe rules and regulations, § 16-46; manufactured homes and trailers, ch. 18; streets, sidewalks and other public places, ch. 24; subdivisions, ch. 26; consumer utility taxes, § 28-31 et seq.

State law references—Municipal regulation of lakes, waters and pools, Code of Virginia, § 15.2-1110; general provisions for public utilities, Code of Virginia, § 15.2-2109 et seq.; sewage disposal systems generally, Code of Virginia, § 15.2-2122 et seq.; water supply systems generally, Code of Virginia, § 15.2-2134 et seq.; health regulations pertaining to sewage disposal, Code of Virginia, § 32.1-163 et seq.; health regulations pertaining to public water supplies, Code of Virginia, § 32.1-167 et seq.; state water control law, Code of Virginia, § 62.1-44.2 et seq.

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Division 2. Building Sewers and Connections

- Sec. 32-71. Notice to property owners when sewer available for private connection.
- Sec. 32-72. Permits—Classes; application.
- Sec. 32-73. Same—Issuance.
- Sec. 32-74. Contractors required to be licensed.
- Sec. 32-75. Inspection of work; endorsement of permit.
- Sec. 32-76. Owner to bear installation and connection costs, indemnify town from loss or damage.
- Sec. 32-77. Separate sewer for each building required unless otherwise authorized.
- Sec. 32-78. Use of old building sewers.
- Sec. 32-79. Approved and prohibited materials; pipes and joints.
- Sec. 32-80. Size and slope; ells; cleanout plugs.
- Sec. 32-81. Elevation, depth and direction.
- Sec. 32-82. Building drains too low to permit gravity flow.
- Sec. 32-83. Excavation for installation; pipe laying and backfill.
- Secs. 32-84—32-100. Reserved.

Division 3. Use of Public Sewers

- Sec. 32-101. Prohibited discharge of water to sanitary sewer.
- Sec. 32-102. Approved discharge of water to storm sewers and natural outlets.
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- Sec. 32-104. Grease, oil and sand interceptors.
- Sec. 32-105. Preliminary treatment facilities.
- Sec. 32-106. Manholes in sewers carrying industrial waste.
- Sec. 32-107. Measurements, tests and analyses of water and waste characteristics.
- Secs. 32-108—32-130. Reserved.

Division 4. Sewer Lines

- Sec. 32-131. Extension—Within town.
- Sec. 32-132. Same—Beyond town.
- Sec. 32-133. Construction of new sewer lines.

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ARTICLE I. IN GENERAL

Sec. 32-1. Administration and enforcement of chapter; superintendent defined.

(a) The provisions of this chapter shall be administered and enforced by the superintendent of utilities.

(b) The term "superintendent," as used in this chapter, shall mean the superintendent of utilities, designated as such by the town council, or his authorized deputy, agent or representative.

(Code 1973, § 14-1)

Cross reference—Definitions generally, § 1-2.

Sec. 32-2. Construction of wells and private water systems.

On and after October 14, 1974, no well or private water system shall be constructed on any property lying within 300 feet of a town water main.

(Code 1973, § 14-2)

Sec. 32-3. Permit required to uncover, make connection with, etc., public water mains or sewers.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public water main or sewer, or appurtenance to either thereof, without first obtaining a written permit from the superintendent.

(Code 1973, § 14-3)

Sec. 32-4. Schedule of fees and charges for connecting to town water and sewer systems.

The town council may, by ordinance or resolution, adopt and from time to time amend schedules of fees and charges for making connections to the town water and sewer systems and for materials and fixtures furnished and work and supervision performed by the town with respect thereto. Each such schedule, while in effect, shall be maintained on file in the office of the town clerk and treasurer.

(Code 1973, § 14-4)

Sec. 32-5. Payment of connection fees in full prior to issuance of permit.

Connection fees prescribed by this chapter for connections to the town water and sewer system, either or both, shall be paid in full prior to the issuance of any water or sewer connection permit for which application is made, and no such connection shall be made until such fees have been paid in full.

(Code 1973, § 14-5)

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Sec. 32-6. Water and sewer service—Application; cash deposit.

(a) The owner or tenant, or his representative, of any property which has been connected to the town water or sewer system, either or both, as the case may be, may apply in writing to the town clerk and treasurer, on a form to be provided by the town, to obtain water or sewer service, either or both, to such property. The application shall:

- (1) Give the following information:
 - a. Location of the property by street address, where applicable;
 - b. Name and address of the property owner and, if the property is leased or occupied by someone other than the owner, the lessee's or occupant's name;
 - c. Type of property (single- or multiple-unit dwelling, commercial or industrial, etc.); and
 - d. Such other information as may be required by the town council.
- (2) Also contain provisions whereby the applicant agrees to abide by the provisions of this chapter and such applicable rules and regulations governing the town water and sewer systems as may be promulgated from time to time by the town council.

(b) If the applicant be a person other than the property owner or his representative, he shall make a cash deposit with the town clerk and treasurer as set by the town council. Such deposit may be applied by the town towards payment of delinquent water or sewer charges and to the repair or replacement of town water or sewer fixtures damaged through unlawful or negligent use; and the balance thereof shall be returned to the depositor upon final termination of the service applied for.

(Code 1973, § 14-6)

Sec. 32-7. Same—Charges.

Water and sewer service charges shall be as set by the town council.

(Code 1973, § 14-7)

Sec. 32-8. Same—When bills due and payable; penalty for delinquent payment; disconnection and reconnection of water service.

Water and sewer service bills shall be due and payable as of the date of billing; and any such bill not paid within 20 days of the date of billing shall be subject to a civil penalty of ten percent of the amount of such bill. If any such bill is not paid within 30 days of the date of billing, the water service to the property to which such bill relates shall be disconnected, and shall not be reconnected until the amount of such bill, including the penalty, has been paid in full, together with a reconnection fee as set by the town council.

(Code 1973, § 14-8)

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Sec. 32-9. Standby charge when water service disconnected; reconnection charge for property not on standby.

When water service to any property is discontinued, the property owner will be notified in writing of the standby charge; and if such property is not placed on standby within 60 days of the date of such notice, a reconnection charge at the existing rate shall be paid before the water service is restored.

(Code 1973, § 14-9)

Sec. 32-10. Credit allowed when known breakage or leakage in water line exists.

In case of a known breakage or leakage in a town water line serving any property, the town will allow a 40 percent credit for quantities of water in excess of the largest quantity of water furnished to such property during the preceding 12 months.

(Code 1973, § 14-10)

Sec. 32-11. Destruction or damage of facilities; trespassing on electric generating property.

(a) Any person who shall intentionally destroy or damage any facility which is used to furnish oil, telegraph, telephone, electric, gas, sewer, wastewater or water service to the public, if the destruction or damage may be remedied or repaired for \$200.00 or less, shall be guilty of a class 3 misdemeanor.

(b) On electric generating property marked with no trespassing signs, the security personnel of a utility may detain a trespasser for a period not to exceed one hour pending arrival of a law enforcement officer.

(Code 1973, § 14-11)

State law reference—Similar provisions, Code of Virginia, § 18.2-162.

Sec. 32-12. Tampering with metering device; diverting service; court-ordered restitution.

(a) Any person who does the following shall be guilty of a class 1 misdemeanor:

- (1) Tampers with any metering device incident to the facilities set forth in section 32-11, or otherwise intentionally prevents such a metering device from properly registering the degree, amount or quantity of service supplied; or
- (2) Diverts such service, except telephonic or electronic extension service not owned or controlled by any such company, without authorization from the owner of the facility furnishing the service to the public.

(b) The presence of any metering device found to have been altered, tampered with or bypassed in a manner that would cause the metering device to inaccurately measure and register the degree, amount or quantity of service supplied or which would cause the service

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to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this section by the person to whose benefit it is that such service be unmetered, unregistered or diverted.

(c) The court may order restitution for the value of the services unlawfully used and for all costs. Such costs shall be limited to actual expenses, including the base wages of employees acting as witnesses for the commonwealth, and suit costs; however, the total amount of allowable costs granted under this subsection shall not exceed \$250.00, excluding the value of the service.

(Code 1973, § 14-11)

State law reference—Similar provisions, Code of Virginia, § 18.2-163.

Secs. 32-13—32-40. Reserved.

ARTICLE II. SEWER SERVICE*

DIVISION 1. GENERALLY

Sec. 32-41. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD, denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in parts per million by weight.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from toilets, cleaning waste and other drainage pipes inside the walls of the building and conveys it five feet outside the inner face of the building wall to the building sewer.

Building sewer means the extension from the building drain to the public sewer lateral or other place of disposal.

Combined sewer means a sewer receiving both surface runoff and sewage.

Garbage means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes means any sewage from industrial processes as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

***State law references**—Sewage disposal systems generally, Code of Virginia, § 15.2-2122 et seq.; health regulations pertaining to sewage disposal, Code of Virginia, § 32.1-163 et seq.

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Owner means the owner of property which is or is to be connected to any sewer of the town, or his authorized agent.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners or abutting properties have equal rights, and which is controlled by public authority.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Sewage means the human excrement and/or such kitchen or laundry wastes as may be present from residences, buildings, industrial establishments or other places.

Sewage treatment plant means any arrangements of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer line means a pipe or conduit for carrying sewage.

Storm sewer and *storm drain* mean a sewer which carries stormwater and surface water and drainage, but excludes sewage and polluted industrial wastes.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids; and which are removable by laboratory filtering by recognized standard methods.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

(Code 1973, § 14-12)

Cross reference—Definitions generally, § 1-2.

Sec. 32-42. Violation of article when penalties not otherwise provided.

Any person who shall violate or fail to comply with any provision of this article for which no other penalty is provided shall be guilty of a class 3 misdemeanor, and each day of continuing violation shall constitute a separate offense. The penalty attached shall not prevent the town from prosecuting any proper civil procedure to prevent the continuance thereof or to enforce any right to which the town may be entitled.

(Code 1973, § 14-19)

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Sec. 32-43. Unlawful waste disposal.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited, in an unsanitary manner, upon public or private property within the town or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with this article.

(Code 1973, § 14-13)

Sec. 32-44. Prohibited privies and other sewage disposal facilities.

Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(Code 1973, § 14-14)

Sec. 32-45. Certain properties required to have toilet facilities and be connected to public sanitary sewer; exceptions.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the town and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, not more than 300 feet from their respective property lines, a public sanitary sewer of the town are hereby required, at their own expense, to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer, in accordance with the provisions of this article, within 120 days after date of official written notice from the town to do so; provided, that where private sewage disposal facilities exist and are operated and maintained in a satisfactory and sanitary manner, the requirements of this section shall be held in abeyance by the town council until such private facilities prove to be unsatisfactory and continued operation not in the interest of public health; but upon malfunction of a private sewage disposal facility, the owner shall be required to connect to the public sanitary sewer, by a specified date, upon written notice by the county health director or his authorized agent.

(Code 1973, § 14-15)

State law reference—Authority of town to require property abutting on public sewer to be connected to such sewer, Code of Virginia, § 15.2-2117.

Sec. 32-46. Private sewage disposal system—Required where public sewer not available.

Where a public sanitary sewer is not available under the provisions of section 32-45, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(Code 1973, § 14-16)

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Sec. 32-47. Same—Type, capacity, location, layout and maintenance.

(a) The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the state and county health departments, as evidenced by a permit issued by the county health department. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet, or abutting public or private property.

(b) The owner shall operate and maintain his private sewage disposal facilities in a sanitary manner, at no expense to the town, and so as not to constitute a public or private nuisance in any degree whatsoever.

(Code 1973, § 14-17)

Sec. 32-48. Penalties for introduction of prohibited wastes, unauthorized connections.

(a) If any person other than the superintendent or his agent shall, without a written permit from the town, introduce, or cause to be introduced, any wastes or other liquids or substances into a town sewer in violation of any provision of this article, or shall make, or cause to be made, any unauthorized connection to a town sewer, he shall be guilty of a class 3 misdemeanor, and each day of continuing violation shall constitute a separate offense.

(b) Nothing in this section, nor the adjudgment or payment of any fine pursuant to this section, shall be construed to bar the town from instituting appropriate civil proceedings against any violator to prevent the continuance of such violation or to recover damages sustained by the town due to such violation or to enforce any other right or remedy to which the town may be entitled.

(Code 1973, § 14-18)

Secs. 32-49—32-70. Reserved.

DIVISION 2. BUILDING SEWERS AND CONNECTIONS*

Sec. 32-71. Notice to property owners when sewer available for private connection.

The town will notify individual property owners or their agents, in writing, when a public sewer is available for private connection and use. Such notice will specify a time limit, not less than 30 days, in which the owner or his agent shall make written application and pay the connection fee.

(Code 1973, § 14-20)

Sec. 32-72. Permits—Classes; application.

There shall be two classes of building sewer permits: for residential, institutional and commercial service; and for service to establishments producing industrial wastes. In either

***Cross reference**—Buildings and building regulations, ch. 6.

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case, the owner or his agent shall make application for a permit on a form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent.

(Code 1973, § 14-21)

Sec. 32-73. Same—Issuance.

Upon approval of the application, if in compliance with the provisions of this article, and payment of the connection fee to the town clerk and treasurer, the applicant shall be issued a connection permit by the superintendent.

(Code 1973, § 14-22)

Sec. 32-74. Contractors required to be licensed.

In no case will a permit be issued for a sewer connection where the work is to be done by a contractor unless he be licensed by the town as required by chapter 8, article II, pertaining to licenses.

(Code 1973, § 14-23)

Sec. 32-75. Inspection of work; endorsement of permit.

When the building sewer construction is completed, except for trench recovering and the final connection, the permit holder shall notify the superintendent. The superintendent will inspect the work and endorse the connection permit by signature to indicate that the work is in compliance with the provisions of this article. Any permissive deviations from the initial application shall be noted by the superintendent on the connection permit issued the owner and on the town's copy.

(Code 1973, § 14-24)

Sec. 32-76. Owner to bear installation and connection costs, indemnify town from loss or damage.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1973, § 14-25)

Sec. 32-77. Separate sewer for each building required unless otherwise authorized.

(a) A separate and independent building sewer shall be provided for every building or dwelling unit, unless it be specifically approved, in writing, on the permit, by the superintendent that more than one building or unit may use a common building sewer. In such a case, the common portion of the building sewer shall be increased in size to not less than six inches to the public sewer lateral and the connection fee shall be the basic charge times the number of buildings or units, or as specified in division 3.

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(b) The following are recognized as meriting written permission for enlarged common building sewer connections at extra cost:

- (1) Where one building on an interior lot stands at the rear or beside another with common ownership and no public or private sewer is available or can be constructed to the interior building through an adjoining alley, court, yard or driveway, the building sewers may be connected and extended to the public sewer lateral.
- (2) A duplex dwelling containing separate and distinct families shall be considered as two buildings and may construct a common building sewer.
- (3) An apartment dwelling with a combined building drain may construct a common building sewer. Building sewer enlargement is required for a common connection to more than three apartment units.
- (4) Approved trailer courts, motels, motor courts or a hotel may construct an enlarged building sewer in accordance with special permits.

(Code 1973, § 14-26)

Sec. 32-78. Use of old building sewers.

Old building sewers may be used in connection with new or old buildings only when they are found, on examination and test by the superintendent, to meet all the requirements of this article.

(Code 1973, § 14-27)

Sec. 32-79. Approved and prohibited materials; pipes and joints.

(a) The building sewer shall be of suitable material approved by the superintendent and shall be one of the following:

- (1) Cast iron soil pipe, ASTM Specifications A 74-42 or equal.
- (2) Vitrified clay sewer pipe, ASTM Specifications C 13-54T or equal.
- (3) Concrete pipe, ASTM Specifications C 14-56.
- (4) PVC pipe, ASTM Specifications D 2241.65.

(b) No new construction of pipe classified as "Orangeburg" or similar will be approved. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service shall be constructed of cast iron soil pipe with leaded joints. The entire pipe installation shall be subject to approval by the superintendent.

(Code 1973, § 14-28)

Sec. 32-80. Size and slope; ells; cleanout plugs.

The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch

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pipes shall not be less than one-eighth inch per foot. No ells shall be used in the line, except with the permission of the superintendent. A cleanout plug shall be inserted in each line at a suitable point. No runs shall exceed 150 feet without cleanout.

(Code 1973, § 14-29)

Sec. 32-81. Elevation, depth and direction.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be laid at uniform grade and in straight alignment. Change in direction shall be made only with proper fittings, approved by the superintendent.

(Code 1973, § 14-30)

Sec. 32-82. Building drains too low to permit gravity flow.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer, at the expense of the owner.

(Code 1973, § 14-31)

Sec. 32-83. Excavation for installation; pipe laying and backfill.

(a) All excavation required for the installation of a building sewer shall be open trench work, unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specifications C 12-19; except, that no backfill shall be placed until the work has been inspected by the superintendent or his designated agent.

(b) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town and the state resident engineer, if state responsibility is involved. Such work shall be covered by public liability insurance to save the town harmless in case of accident.

(Code 1973, § 14-32)

Secs. 32-84—32-100. Reserved.

DIVISION 3. USE OF PUBLIC SEWERS

Sec. 32-101. Prohibited discharge of water to sanitary sewer.

No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainers, service station wash water, cooling water or unpolluted industrial process waters to any sanitary sewer.

(Code 1973, § 14-34)

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Sec. 32-102. Approved discharge of water to storm sewers and natural outlets.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon written approval by the superintendent, to a storm sewer or natural outlet.

(Code 1973, § 14-35)

Sec. 32-103. Prohibited discharge of waste to public sewer.

Except as provided in this division, no person shall discharge, or cause to be discharged, any of the following described water or wastes to any public sewer:

- (1) Liquid or vapor having a temperature higher than 120 degrees Fahrenheit.
- (2) Water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
- (3) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (4) Garbage that has not been properly shredded.
- (5) Ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, fibers, tar plastics, wood, animal offal, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the operation of the sewage works.
- (6) Water or waste having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (7) Water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.
- (8) Water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (9) Noxious or malodorous gas or substance capable of creating a public nuisance.

(Code 1973, § 14-36)

Sec. 32-104. Grease, oil and sand interceptors.

(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except, that such interceptors shall not be required for private living quarters or dwelling units. All

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interceptors shall be of a type and capacity approved by the superintendent or the county or state health department, or by any one or more of them, and shall be located as to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of a substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, and in continuously efficient operation at all times.

(Code 1973, § 14-37)

Cross reference—Environment, ch. 12.

Sec. 32-105. Preliminary treatment facilities.

Where preliminary treatment facilities are provided for any water or waste, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense, and shall be accessible for inspection by the superintendent.

(Code 1973, § 14-38)

Sec. 32-106. Manholes in sewers carrying industrial waste.

When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurements of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent and the state or county health department. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Code 1973, § 14-39)

Sec. 32-107. Measurements, tests and analyses of water and waste characteristics.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in section 32-103 shall be determined in accordance with Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for in section 32-106, or upon suitable samples taken at the manhole. If no special manhole is required by the town, the manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sewer is connected.

(Code 1973, § 14-40)

Secs. 32-108—32-130. Reserved.

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DIVISION 4. SEWER LINES

Sec. 32-131. Extension—Within town.

(a) Sewer main extensions from existing sewer mains within the town limits shall be made by the town, unless otherwise provided for, and on the availability of funds. The town will, at its cost, extend sewer mains for such distance as can be accomplished with funds provided for in the schedule of sewer connection charges for each paid connection on the extended line. For extensions in excess of the footage permitted with such funds, the excess cost shall be borne by the applicant, and the applicant shall reimburse the town for all excess costs. The size of line installed shall be subject to the recommendations of the superintendent and approved by the town council. The applicant shall agree, in making the extension, that he will connect to the sewer extension within six months of completion and, on failure to do so, shall agree to reimburse the town for the entire cost of making the sewer main extension. The applicant shall also agree that title to that portion of sewer line laid at the cost and expense of the applicant shall vest in the town.

(b) The portion of sewer line cost to be borne by the affected landowners shall constitute a lien on benefitted properties until such time as the costs have been paid to the town clerk and treasurer.

(c) When any sewer in any street is completed and ready to use, the owner of each abutting lot containing an occupied building whereon sewer service is supplied for any human use shall cause such lot to be connected with such sewer main; provided, that an owner shall not be required to connect to the sewer main as long as a private septic tank and dispersion field is in use and is, in the opinion of the county health officer, operating satisfactorily and not a menace to public health.

(d) No connection shall be made to any sewer lateral, except after the written application therefor has been approved by the superintendent and permit obtained.
(Code 1973, § 14-41)

Sec. 32-132. Same—Beyond town.

(a) Extensions of existing sewer lines within the corporate limits to streets or areas outside of town limits may be made or authorized by the town council only after special written application by developers or users, and on the availability of funds; and, in such cases, the user or developer shall pay for all or a portion of the cost of such extension, and such sewer extensions shall become the property of the town.

(b) Whenever extension approval is granted, and before a permit is issued, the town council shall require the applicant to enter into an agreement, to be governed by the ordinances and laws of the town concerning the sewage works and any special regulations that the town council may, from time to time, adopt and direct.
(Code 1973, § 14-42)

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Sec. 32-133. Construction of new sewer lines.

Any person or group of persons desiring a new sewer line to be constructed by the town may submit an application therefor to the town council through the superintendent. Such application shall be accompanied by a detailed survey and engineer's drawing, in form acceptable by the town, showing the specific line and connections thereto, prepared at the expense of the applicant; or, in lieu of such survey and drawing, the applicant shall make a cash, nonreturnable deposit with the town clerk and treasurer in such amount as, in the opinion of the superintendent, is sufficient to cover the costs of preparation of such survey and engineer's drawing. Thereafter, the town council will consider the application and quote to the applicant a firm price for the construction of the sewer line applied for or notify the applicant that the application has been rejected, in which case the reasons for its rejection shall be stated.

(Code 1973, § 14-43)

Chapter 33

RESERVED

Chapter 34

ZONING*

Sec. 34-1. Ordinance adopted by reference.

***Cross references**—Any ordinance relating to zoning saved from repeal, § 1-12(12); environment, ch. 12; manufactured homes and trailers, ch. 18; streets, sidewalks and other public places, ch. 24; subdivisions, ch. 26.

State law reference—Zoning, Code of Virginia, § 15.2-2280 et seq.

ZONING

§ 34-1

Sec. 34-1. Ordinance adopted by reference.

The town's zoning ordinance, as amended, is made a part of this section as if set out at length in this section.

State law reference—Planning, subdivision of land and zoning, Code of Virginia, § 15.2-2200 et seq.

CODE COMPARATIVE TABLE

1973 CODE

This table gives the location within this Code of those sections of the 1973 Code which are included herein. Sections of the 1973 Code, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1973 Code, which are included herein. Ordinances adopted prior to such date were incorporated into the 1973 Code. Ordinances adopted since the 1973 Code, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

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6- 8-1987(Ord.)		16-5
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STATE LAW REFERENCE TABLE

This table shows the location within this Charter and Code, either in the text or notes following the text, of references to The Code of Virginia.

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***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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