

# ARLINGTON COUNTY CODE

## Chapter 1

### GENERAL PROVISIONS

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**§ 1-1. How Code Designated and Cited.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the County of Arlington, Virginia, 1957," and may be so cited.

**§ 1-2. Rules of Construction.**

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

*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.

*County:* The word "County" shall be construed as if the words "of Arlington" followed it.

*County Manager:* Unless otherwise prohibited by the Code of Virginia or where the context clearly indicates otherwise, County Manager shall mean County Manager of Arlington County or his designee or authorized agent or representative.

*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.

*Highway:* The word "highway" shall be construed to embrace streets, avenues, boulevards, roads, alleys, walkways, lanes, viaducts and all other public ways in the County.

*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; 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.

*Person:* The word "person" may extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

*Preceding, following:* The "preceding" and "following" mean next before and next after, respectively.

*State:* The word "state" shall be construed as if the words "of Virginia" followed it.

### **§ 1-3. Catchlines of Sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

### **§ 1-4. Provisions Considered as Continuations of Existing Ordinances.**

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

### **§ 1-5. Severability of Parts of Code.**

It is hereby declared to be the intention of the County Board that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

### **§ 1-6. General Penalty; Continuing Violation; Applicable Penalty if the Local Penalty is in Excess of That Permissible.**

A. Whenever in this Code or in any ordinance of the County, or rule or regulation or order promulgated by any officer or agency of the County under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, rule, regulation, or order shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500.00), or by imprisonment in the County Jail not exceeding thirty (30) days, or both such fine and imprisonment. Each day any violation of this Code or any such ordinance, rule, regulation, or order shall continue shall constitute, except where otherwise provided, a separate offense.

B. If the penalty provided for the violation of any Code provision, ordinance of the County, or rule or regulation or order promulgated by any officer or agency of the County, is in excess of the penalty permissible under State law, the maximum penalty for any such violations shall be the maximum penalty permissible under State law. (8-3-74; 11-18-78; Ord. No. 91-34, 9-18-91)

### **§ 1-7. Fines and Costs.**

A. All fines and costs collected under the terms of this Code shall be paid over to the Treasurer of the County and credited by him to the General County Fund.

B. Costs shall be taxed in prosecutions under this Code in the same amounts and in the same manner as prescribed by law in misdemeanor cases under State statutes.

#### **§ 1-7.1. Late Payment Penalty; Collection of Delinquent Local Accounts by Treasurer.**

A. Any County department or agency may impose a late payment penalty in the amount of ten dollars (\$10.00) or ten percent (10%) of the amount due, whichever is greater, upon all local accounts that are not paid by the due date. Such penalty shall be added to the amount of the account due from such person. No penalty shall be imposed for the failure to pay any account if such failure was not in any way the fault of the debtor. Interest at the rate of ten percent (10%) annually shall be collected on the principal and penalty of all such accounts, from the first day following the day such penalty is imposed.

B. Any County department or agency having delinquent accounts may transfer those accounts to the County Treasurer for collection.  
(Ord. No. 99-14, 6-12-99)

**§ 1-8. Correction of Errors or Omissions.**

The County Manager shall order the reprinting of any page of this Code to correct any typographical or grammatical errors or omissions existing herein when, in the opinion of the County Manager, the County Board Clerk and the County Attorney, such errors or omissions are of a minor, nonsubstantive nature and the correction thereof will have no material effect thereon. The County Manager shall maintain a record of all such changes.  
(9-29-79)

**§ 1-9. Classification of Penalties for Misdemeanors.**

Whenever in this Code an act is made unlawful or a misdemeanor, where a penalty is prescribed using the following terms, they should have the following meanings:

- A. *Class 1 misdemeanors:* An offense for which the authorized punishment is confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both.
- B. *Class 2 misdemeanors:* An offense for which the authorized punishment is confinement in jail for not more than six (6) months and a fine of not more than one thousand dollars (\$1,000.00), either or both.
- C. *Class 3 misdemeanors:* An offense for which the authorized punishment is a fine of not more than five hundred dollars (\$500.00).
- D. *Class 4 misdemeanors:* An offense for which the authorized punishment is a fine of not more than two hundred fifty dollars (\$250.00).

(Ord. No. 91-31, 8-10-91)