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DATED July 28, 2015

Town Charter

enacted April 5, 1950
Amended Jan. 2005

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(includes amendments through June 2, 2008)

adopted April 4, 2005

Town Subdivision Ordinance

dated May 2005

March 24, 1950

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

A. Meaning of word "bank" as used in this ordinance. For the purpose of this ordinance the word "bank" shall mean any incorporated bank, banking association or trust company organized by or under the authority of the laws of the State of Virginia and any bank or banking association organized by or under the authority of the laws of the United States doing business or having office in this Town or having a charter which designates the Town of Onley within this State as the place of its principal office, whether such bank or banking association be authorized to transact business as a trust company or not, and any joint stock land bank or any other bank organized by or under the authority of the laws of the United States upon the stock of which this Town is authorized to impose a tax. The word "bank" as used in this ordinance shall exclude all corporations organized under the laws of other states and doing business in this Town; it shall exclude corporations organized not as banks under the laws of this State and it shall exclude all natural persons and partnerships.

B. Bank capital not assessable; stockholders taxed. No tax shall be assessed upon the capital of any bank but the stockholders in such banks shall be assessed and taxed on their shares of stock therein.

C. Shares held by another bank not taxable. No taxes shall be extended on such shares of stock issued by a bank organized under the laws of the State of Virginia as are owned by any other bank in the State of Virginia, whether organized under the laws of the United States or under the laws of the State of Virginia; but the value of such shares of stock so exempt from taxation in the hands of the bank owning the same shall nevertheless be included in the capital, surplus and undivided profits of the bank owning the stock, for the purpose of assessing its stockholders.

D. Preferred stock owned by Reconstruction Finance Corporation. No tax shall be assessed or paid on the shares of any preferred stock issued by any bank doing business in the Town of Onley sold to the Reconstruction Finance Corporation while owned and held by it.

E. Report of stockholders by bank. Each bank aforesaid, with its principal office in the Town of Onley, Accomack County, Virginia, as of the last day in December in each year, shall deliver to the Clerk of the Town of Onley a copy of the report which such bank is required by the statute law of Virginia to furnish to the Commissioner of the Revenue of the County or City in which such bank is located as provided in Section 58-470 of the Code of Virginia, 1950, which report shall give the names and residences of all of said bank's stockholders and the number and actual value of the shares of stock

(March 24, 1950 continued)

held by each stockholder. Such report shall be filed with the clerk of the Town of Onley on or before the first day of February of each year.

F. Determination of value of shares of stock. From the total value of the shares of stock of any such bank, which shall be ascertained by adding together its capital, surplus and undivided profits, there shall be deducted the assessed value of its real estate otherwise taxed in this State, or if the title to any real estate is held in the name of a holding corporation in which such bank owns all or a majority of the common stock and such real estate be otherwise taxed in the State of Virginia, then there shall be deducted from the value of the shares of stock of such bank, such proportion of the assessed value of such real estate as the common stock it holds in such holding corporation bears to the whole issue of common stock in such corporation; and the actual value of each share of stock shall be its proportion of the remainder.

G. Owners entitled to no deduction. The owners of the shares of stock of such bank shall be entitled to no deduction from the taxable value of their shares because of the personal indebtedness of such owners or for any other reason whatsoever.

H. Rate of taxation of bank stock; assessment; to whom lists sent. There is hereby levied and imposed a tax upon each stockholder upon the taxable value of the shares of stock owned by him a tax at the rate of eighty cents on each one hundred dollars of such value of such stock for the year 1950, and for each year thereafter until otherwise provided by ordinance. The clerk of the Town of Onley shall transmit a copy of this ordinance to each of said banks doing business in the Town of Onley. The clerk of the Town of Onley, as soon as he receives the report mentioned in Section "E" shall assess upon each stockholder the tax aforesaid, and transmit a copy of the same to said bank or banks and retain one. The copy of this ordinance transmitted to the bank shall be notice to the bank of the tax assessed against its stockholders and each of them shall have the legal effect and force of a summons upon suggestion formally issued and regularly served. The tax assessed upon each stockholder in the bank shall be the first lien upon the stock standing in his name and upon dividends thereof due and to become due, no matter in whose possession found, and shall have priority over any and all liens by deeds of trust, mortgages, bills of sale or other assignments made by the owner or holder and take priority over all liens by execution, garnishment or attachment process sued out by creditors of the stockholders.

I. Duty of Bank. The bank shall hold the dividends or other funds belonging to the stockholder and in its custody at the time the assessment list and copy of this ordinance is received or that thereafter shall come under its control and apply the same to the payment of the tax assessed and when this applied shall be acquitted and discharged from all liability to the stockholder for the money so disbursed.

(March 24, 1950 continued)

J. Time and manner of payment by banks of taxes assessed against stockholders. Every bank, on or before the first day of June in each year, shall pay unto the treasury of the Town of Onley the Town taxes assessed against its stockholders as in this ordinance provided. The Treasurer of the Town of Onley shall give to such banks paying Town taxes, duplicate receipts upon forms to be required by the Department of Taxation.

K. This ordinance being an emergency one, is in force from its passage.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

May 5, 1950

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

1. It shall be unlawful for any person, firm or corporation to sell, offer for sale, expose for sale or to buy, use, ignite or explode any fire-cracker, torpedo, sky rocket or other substance or thing of whatever form or construction, containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, nitroglycerine, phosphorus or any other explosive or inflammable compound or substance, and intended, or commonly known, as fireworks; and

2. Any person, firm or corporation violating the provisions of this ordinance shall be fined not less than five dollars nor more than one hundred dollars, for each offense.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

May 5, 1950

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

1. That the Mayor shall discharge all the duties pertaining to his office and shall keep a record of all business transacted by him as such. He shall be clothed with all power of justice, in civil matters within the limit of said Town, and the criminal matters within the corporate limits within the Town of

(May 5, 1950 continued)

Onley and one mile beyond said Town; shall have power to issue process, determine prosecutions and controversies which may arise under the laws and ordinances of the Town; impose fines, inflict punishment when and wherever they are authorized in said laws and ordinances and shall be clothed with all power and authority conferred upon him by the laws of the State of Virginia and the laws, resolutions and ordinances of the Town of Onley.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

May 5, 1950

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

1. That the clerk will keep a correct record of the proceedings of the Council, cause all ordinances of a business nature to be printed for the use of the Council and for information of the public; receive from the Commissioner of the Revenue of Accomack County, Virginia, the assessment of the Town property and place the same with the Town Council for examination; make out all tax bills and place same in the hands of the sergeant for collection; issue all licenses; and do and perform all other act or acts conferred upon him by the laws, resolutions and ordinances of the Town of Onley and the laws of the State of Virginia.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

May 5, 1950

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

1. That it shall be unlawful for any person, firm or corporation, to park a motor vehicle on Main Street of said Town, between United States Route 13 and the tracks of the Pennsylvania Railroad Company, whether attended or not attended for more than sixty minutes, between 8:00 A. M. and 6:00 P. M. Any person, firm or corporation violating the provisions of this ordinance shall be fined not less than \$1.00 nor more than \$25.00 for each offense.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

May 5, 1950

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

1. That it shall be unlawful for any person to park "double" any motor vehicle within the corporate limits of the Town of Onley. Any person violating the provisions of this ordinance shall be punished by a fine of not less than \$2.00 nor more than \$25.00 for each offense.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

May 5, 1950

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

A. Irrespective of the maximum speed provided, any person who drives a vehicle upon a highway within the corporate limits of the Town of Onley, recklessly or at a speed or in any manner so as to endanger life, limb or property of any person, shall be guilty of reckless driving.

B. A person shall be guilty of reckless driving who shall:

- (a) Drive a vehicle when not under proper control or with inadequate or improperly adjusted brakes, upon any highway within the corporate limits of the Town of Onley;
- (b) while driving a vehicle, overtake and pass another vehicle, proceeding in the same direction, upon or approaching the crest of a grade, or upon, or approaching a curve in the highway where the driver's view along the highway is obstructed;
- (c) pass or attempt to pass two other vehicles abreast, moving in the same direction;
- (d) overtake or pass any other vehicle proceeding in the same direction at any steam, grade crossing or at any intersection of highways or while pedestrians are passing or about to pass in front of either of such vehicle, unless permitted to do so by a traffic light or police officer;
- (e) fail to stop at a school bus while taking on or discharging school children, whether going in the same or opposite direction and to remain stopped until all school children are clear of the highway;
- (f) fail to give adequate and timely signals of intention to turn, partly turn, slow down or stop, as required by the Statute Law of Virginia;
- (g) exceed a reasonable speed under the circumstances and traffic conditions existing at the time; or

(May 5, 1950 continued)

- (h) fail to bring a vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching upon said highway within five hundred feet of such point of entrance.

C. Every person convicted of reckless driving under this ordinance shall, for either a first or second violation, be guilty of a misdemeanor if he caused serious bodily injuries to any person as a result of said reckless driving; every person other than the above convicted of reckless driving under this ordinance, shall, for the first violation, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in jail for not more than thirty days or by both such fine and imprisonment; for each second or subsequent conviction for the offense of reckless driving under this ordinance, committed within twelve months from the date of a prior conviction for reckless driving, every such person be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in jail for not less than ten days nor more than six months or by both such fine and imprisonment.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

May 5, 1950

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That any person who shall drive any vehicle upon the highway within the corporate limits within the Town of Onley at such speed as to unnecessarily block, hinder, or retard the orderly and safe use of the highway or so as to cause congestion on the highway;

(2) drive upon any highway within the corporate limits of the Town of Onley at a speed in excess of:

- (a) fifteen miles an hour when passing a school during recess or while children are going to or leaving school, provided that markers be placed on the highways so as to indicate the location of such school;
- (b) Fifteen miles an hour in a business district;
- (c) Twenty-five miles an hour in a residential district;
- (d) Fifty miles an hour in all other districts excepting where designated by the State Highway Commission or the Town of Onley to be otherwise.

(3) Drive anywhere else upon a highway within the corporate limits of the Town of Onley any school bus carrying children to or from school at a speed in excess of thirty-five miles per hour.

(May 5, 1950 continued).

(4) Drive to the left of the center of a street excepting upon one-way streets.

(5) Violate any of the provisions of the right-of-way laws as set forth in Sections 46-238 to 46-240 and 46-244 of the Code of Virginia 1950.

(6) Drive a vehicle out of an alley, lane or building into a street without first bringing such vehicle to a stop immediately before entering such street.

(7) Making a left turn without passing to the right of the center of the intersection whether marked or not.

(8) Making a right turn without keeping close to the curve.

(9) Coast or operate a motor vehicle with the gears in neutral.

(10) While operating a vehicle upon any highway, fail or refuse to control the lights of such vehicle by shifting, deplacing, tilting or dimming the headlights beams thereof so as not to project into the eyes of the driver of any oncoming vehicle a glaring or dazzling light, or;

(11) Shall be guilty of a misdemeanor and upon conviction shall be punished for the first conviction thereof by a fine of not less than five dollars nor more than one hundred dollars or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year such person shall be punished by a fine of not less than ten dollars nor more than two hundred dollars or by imprisonment in jail for not less than one day nor more than twenty days or by both such fine and imprisonment; for a third or subsequent conviction within one year such person shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars or by imprisonment in jail for not less than ten days nor more than six months or by both such fine and imprisonment.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

May 12, 1950

Be it ordained by the Council of the Town of Onley, Accomack County,
Va.

(1) That a tax of twenty-five cents (25¢) be, and the same hereby is, levied on every one hundred dollars of the assessed value of the real estate and personal estate within the corporate limits of the Town of Onley, assessed with taxes for the year 1950, and that when the taxes so levied are collected by the Treasurer of the Town, the same are to be applied to the expenses of the Town for the year 1950.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

June 15, 1951

Be it ordained by the Council of the Town of Onley, Accomack County,
Va.

(1) That the aforesaid budget be, and the same hereby is, adopted;

(2) That a tax of twenty-five cents (25¢) be, and the same hereby is levied on every One Hundred Dollars (\$100.00) of the assessed value of the real estate and personal estate within the Corporate limits of the Town of Onley, Accomack County, Virginia, assessed with taxes for the year 1951, and when the taxes so levied are collected by the Treasurer of the Town of Onley the same are to be applied to the expenses of the Town for the year 1951.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

April 4, 1952

Be it ordained by the Council of the Town of Onley, Accomack County,
Va.

(1) That the Treasurer of the Town of Onley be, and hereby is, authorized and directed to withdraw from the treasury of the Town of Onley the sum of One Hundred Dollars (\$100.00) and pay the same to the Parents-Teachers Association of Onley, Virginia, for the purchase of a slide board designated as No. 846 of the Flower School Equipment Company, Inc. etc. to be placed

(April 4, 1952 continued)

on the Onley Grammar School grounds for the children of said School; and

(2) That said payment shall not be made to the Parent-Teachers Association unless it is determined by the Council of the Town that the same is legal.

(3) That the said payment shall also not be made unless it is the policy of Towns of similar size to make said donation.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

June 20, 1952

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That the aforesaid budget be, and the same hereby is, adopted.

(2) That a tax of twenty-five cents (25¢) be, and the same hereby is, levied on every One Hundred Dollars (\$100.00) of the assessed value of the real estate and personal estate within the corporate limits of the Town of Onley, Accomack County, Virginia, assessed with taxes for the year 1952, and when the taxes so levied are collected by the Treasurer of the Town, the same are to be applied to the expenses of the Town for the year 1952.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

June 5, 1953

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That the aforesaid budget be, and the same hereby is, adopted.

(2) That a tax of twenty-five cents (25¢) be, and the same hereby is levied on every One Hundred Dollars (\$100.00) of the assessed value of the real and personal estate within the corporate limits of the Town of Onley, Accomack County, Virginia, assessed with taxes for the year 1953, and when the taxes so

(June 5, 1953 continued)

levied are collected by the Treasurer of the Town of Onley, the same are to be applied to the expenses of the Town for the year 1953.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

February 5, 1954

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That the fees in connection with any cases which are tried by the Mayor shall be the same as the fees provided by law for Trial Justices, and such and all fees from fines imposed by such Mayor shall be collected by him and paid into the Treasury of the Town.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

June 4, 1954

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That the aforesaid budget be, and the same hereby is adopted.

(2) That a tax of twenty-five cents (25¢) be, and the same hereby is levied on every One Hundred Dollars (\$100.00) of the assessed value of the real and personal estate within the corporate limits of the Town of Onley, Accomack County, Virginia, assessed with taxes for the year 1954, and when the taxes so levied are collected by the Treasurer of the Town of Onley, the same are to be applied to the expenses of the Town for the year 1954.

Approved: V. S. Burton, Mayor

Attest: W. M. Milliner, Clerk

June 17, 1955

Be it ordained by the Council of the Town of Onley, Accomack County,
Va.

(1) That the aforesaid budget be, and the same hereby is, adopted.

(2) That a tax of fifty cents (50¢) be, and the same hereby is levied on every One Hundred Dollars (\$100.00) of the assessed value of the real and personal estate within the corporate limits of the Town of Onley, Accomack County, Virginia, assessed with taxes for the year 1955, and when the taxes so levied are collected by the Treasurer of the Town of Onley, the same are to be applied to the expenses of the Town for the year 1955.

Approved: C. R. Waters, Vice Mayor

Attest: W. M. Milliner, Clerk

June 11, 1956

Be it ordained by the Council of the Town of Onley, Accomack County,
Va.

(1) That the aforesaid budget be, and the same hereby is adopted.

(2) That a tax of fifty cents (50¢) be, and the same hereby is levied on every One Hundred Dollars (\$100.00) of the assessed value of the real and personal estate within the corporate limits of the Town of Onley, Accomack County, Virginia, assessed with taxes for the year 1956, and that when the taxes so levied are collected by the Treasurer of the Town of Onley, the same are to be applied to the expenses of the Town for the year 1956.

Approved: C. R. Waters, Vice Mayor

Attest: W. M. Milliner, Clerk

March 7, 1957

Be it ordained by the Council of the Town of Onley, Accomack County,
Va.

(1) That pursuant to Title 46, Chapter 3, Article 1, of the Code of Virginia, 1950, as amended, there is hereby levied an annual license fee and tax of \$5.00 upon each automobile and truck of owners residing in the Town of Onley, except vehicles used by a dealer or manufacturer for sales purposes and except vehicles used by common carriers of persons or property operating between cities and town in this state and not in intracity transportation or between cities and town on the one hand and points and places without cities

(March 7, 1957 continued)

and town on the other hand and not in intracity transportation.

(2) For the purpose of this ordinance, the license year shall extend from the 15th day of March to the 14th day of March of the next succeeding calendar year; and the license fee and tax levied hereunder shall be paid not later than the 15th day of April, in each license year, except that the license fee or tax on any such automobile or truck acquired after the 1st day of October, in any license year, shall be one-half (1/2) of the amount of the annual license fee levied hereunder and any such license fee or tax on any such automobile or truck acquired after the 15th day of January, in any such license year, shall be \$1.50.

(3) License tags acquired pursuant to the provisions of this ordinance shall be transferable by the license from the automobile or truck sold, traded in, or otherwise disposed of by license to any automobile or truck thereafter acquired by licenses during such license year without payment of any additional license fee or tax.

(4) The revenue derived from the tax levied hereunder shall be for general town purposes.

(5) Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than Five Dollars (\$5.00) for each offense.

(6) All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed.

Approved: T. Hallett Badger, Mayor

Attest: W. M. Milliner, Clerk

September 4, 1958

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That owners of vacant property within the Town of Onley shall keep the grass, weeds and other foreign growth on such property cut and that the Council of the Town of Onley may, whenever it deems necessary, have the grass, weeds and other foreign growth cut by its own agents and employees in which event, the cost and expense thereof shall be chargeable to and paid by the owner of said property and may be collected by the Town as taxes and levies are collected.

Approved: W. J. Vaughan, Mayor

Attest: W. M. Milliner, Clerk

vehicles normally parked or garaged within the town limits are eligible for Town Tags.

May 7, 1959

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That any person who shall in any way destroy, deface, injure, tear down or remove any property belonging to the Town of Onley, shall upon conviction, be fined not less than Five Dollars (\$5.00) and not more than Fifty Dollars (\$50.00).

Approved: W. J. Vaughan, Mayor

Attest: W. M. Milliner, Clerk

May 26, 1959

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) Any person who, for compensation, shall pretend to tell fortunes, or assume to act as a clairvoyant, or to practice palmistry, or phrenology, shall pay an annual license tax of \$500.00.

(2) No license issued under this ordinance shall be pro-rated.

(3) Any person violating this ordinance shall be guilty of a misdemeanor and fined not less than Five Hundred Dollars (\$500.00), or confined in jail not less than one (1) month, nor more than six (6) months, or by both such fine and imprisonment.

Approved: W. J. Vaughan, Mayor

Attest: W. M. Milliner, Clerk

March 29, 1961

CERTIFICATE

I, _____, do hereby certify that I am the duly appointed Clerk of the Town Council of Onley, and that the attached document is a true and correct extract from the minutes of a special meeting of the Town Council of Onley held at the _____ at _____, on _____ 1961, after personal notice of such meeting and the purpose thereof had been given to all members of the Council, at which meeting the following were present:

Mayor _____, Councilmen:

Given under my hand this _____ day of _____, 1961.

Clerk

The Mayor stated that one of the objects of this meeting was for the purpose of advertising for bids for the electric light, heat and power franchise for the Town of Onley.

On motion duly made, seconded and unanimously carried, the following ordinance was thereupon unanimously adopted, to wit:

"AN ORDINANCE to provide for the grant by the Town of Onley to a person or persons, or to a corporation, its successors and assigns, hereafter to be ascertained in the mode prescribed by law, of the right for the term and upon the conditions herein stated, to occupy and use the streets, alleys and public places of the Town of Onley, Virginia, and to acquire, erect, maintain and use poles, transmission towers, wires and appliances on, over and along, and to acquire, construct, maintain and use conduits or subways, including necessary manholes, and to run cables and wires in, under and along said streets, alleys and public places, for the purpose of use as transmission and/or distribution system for supplying and selling electric current for light, heat and power purposes at any point within the Town of Onley, Virginia, and to supply and sell electric current for light, heat and power at any point within the Town of Onley, Virginia, and to authorize the action required by law to award such franchise.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ONLEY:

"Section I. That there shall be granted in the mode prescribed by law for franchise grants and upon the conditions hereinafter specified, the rights and privileges on, over, along and under the streets, alleys and

(Mar. 29, 1961 continued)

public places of the Town of Onley, Virginia, embodied in the following draft of an ordinance, entitled ---

AN ORDINANCE granting the right to _____, its successors and assigns, for the term, and subject to the conditions and limitations hereinafter stated, to use the streets, alleys and public places of the Town of Onley, Virginia, for the purpose of transmitting and/or distributing electric current for light, heat and power, and to construct, maintain and use, and if now constructed, to maintain and use poles, towers, wires, cables, conduits, including manholes, and other equipment, appliances and property useful or necessary for transmission and/or distribution of electrical energy in, over, along and under said public streets, alleys and other public places of said Town of Onley, and to supply and sell electric current for light, heat and power at any point within the corporate limits of said Town of Onley, as the same now exists or may hereafter be extended or altered.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ONLEY:

Section 1. That the right is hereby granted unto _____ hereinafter referred to as "Grantee", its successors and assigns, for the term and subject to the conditions and limitations hereinafter stated, to use the streets, alleys and public places of the Town of Onley, Virginia, for the purpose of transmitting and/or distributing electric current for light, heat and power, and to construct, maintain and use, and if now constructed, to maintain and use poles, towers, wires, cables, conduits, including manholes, and other equipment, appliances and property useful or necessary for the transmission and/or distribution of electric current in, over, along and under said public streets, alleys and other public places of said Town of Onley, and to supply and sell electric current for light, heat and power at any point within the corporate limits of said Town of Onley, as the same now exists or may hereafter be extended or altered.

Section 2. The rights and privileges herein set forth are granted and conferred upon Grantee upon the express condition and understanding on the part of Grantee that it will render to the public in said Town of Onley, at all times during the term of this Ordinance, an efficient electric light, heat and power service, at reasonable rates, and that it will maintain its aforesaid properties, works and systems in said Town in good order throughout the term of this grant, and Grantee by accepting this Ordinance expressly agrees that the State Corporation Commission of Virginia shall have jurisdiction, to the full extent and in the manner now or hereafter during the life of this Ordinance provided by law, to require Grantee to render efficient electric service as aforesaid, at reasonable rates, and to maintain its aforesaid properties, works and systems in good order throughout the term of this grant, and otherwise to enforce the provisions of this section to the full extent provided by law.

(Mar. 29, 1961 continued)

Section 3. From and after the date on which this ordinance shall become effective, the poles and other equipment, appliances and property of Grantee in, over, along and under the streets, alleys and public places of said Town of Onley, authorized by this Ordinance to be constructed or located or maintained or used, shall be located at reasonable, suitable and convenient points, and permits for the location of poles and other equipment, appliances and property hereafter constructed or installed shall from time to time, on application of Grantee, be issued by the Mayor or other proper administrative officer of said Town, and whenever plans showing the location of such poles or other equipment; appliances and property as aforesaid shall have been presented to the Town and permits issued for the same, said plans shall be as effective and binding as if they were set forth fully and at length in this Ordinance; provided, that the location of any poles, equipment or appliances erected or maintained under this Ordinance shall be changed by Grantee, at the expense of Grantee, when such change shall be necessary to a program of public improvement of said Town and shall be directed in writing by the Mayor and Town Council of said Town of Onley.

Section 4. In the event Grantee shall, in the construction or repair of its aforesaid property and works, injure any pavement, sidewalk, sewer, water or other pipe or works belonging to said Town, Grantee shall, upon notice thereof from the Mayor, promptly repair the same at its own cost and expense.

Section 5. Grantee shall, when so requested by the Council of said Town of Onley, permit its poles or towers to be used, without compensation, by said Town of Onley, for the purpose of placing thereon any traffic lights, fire or police alarms, signal wires, traffic signs, or communication wires which may be necessary for the exclusive use of the police or fire departments of said Town of Onley; provided that such use by said Town of Onley shall not, in the judgment of Grantee, unduly interfere with the proper use of said poles or towers by Grantee or create an unsafe condition, and that the location and character of said wires and fixtures of said Town of Onley shall be installed as mutually agreed upon by the Mayor, or his authorized agent, and an authorized agent of Grantee; and provided further that said Town of Onley shall, and it hereby agrees to, indemnify and save harmless Grantee from any and all loss, damage, cost or expense to, or which may be incurred by Grantee or to which it may be subjected, by reason of or as a result of use of said poles or towers by said Town of Onley as in this Section provided.

Section 6. Grantee agrees, and binds itself by the acceptance of this Ordinance, to indemnify, keep and hold said Town of Onley free and harmless

(March 29, 1961 continued)

from liability on account of injury or damage to persons or property growing out of the construction, improvement, maintenance, repair and operation of its property or works, and in the event that suit shall be brought against said Town of Onley, either independently or jointly with Grantee, on account thereof, Grantee, upon notice to it by said Town, will defend said Town in any such suit, at the cost of Grantee, and, in the event of a final judgment being obtained against said Town of Onley, either independently or jointly with Grantee, then Grantee will pay said judgment, with all costs, and hold said Town harmless therefrom; but nothing herein contained shall be construed to render Grantee liable for the negligence of said Town of Onley, its agents or employees, or of any other person, firm or corporation.

Section 7. In the location and erection of the poles and equipment, appliances and property, and in the stringing of wires as herein authorized, Grantee shall avoid all unnecessary damage to the shade trees in and along the streets, alleys and public places of the Town of Onley and shall not cut or otherwise injure said trees to any greater extent than is reasonably necessary in the construction, maintenance and operation of said poles and other equipment, appliances and property of Grantee as herein authorized and provided.

Section 8. Any person who shall maliciously or wrongfully tamper, interfere with, cut, injure or destroy any of the poles, towers, wires, cables, conduits, manholes, and other equipment, appliances and property of Grantee constructed and maintained in accordance with the provisions of the Ordinance, within the corporate limits of said Town of Onley, shall, upon conviction thereof, be fined not less than \$5.00 nor more than \$50.00.

Section 9. All the rights and privileges hereby granted Grantee may be exercised by any successor or successors, assignee or assignees of Grantee, but said successor or successors, assignee or assignees shall be subject to all the provisions, obligations and stipulations herein provided.

Section 10. All the rights and privileges hereby granted Grantee shall continue for a period of thirty years from and after _____, 1961, unless the same be sooner voluntarily surrendered by Grantee, with the consent of the Town Council of said Town of Onley, or unless the same be sooner forfeited as provided by law. Upon the expiration of the term of this grant, or upon termination of the rights hereby granted, by surrender, forfeiture or otherwise, all of the poles, towers, wires, cables, conduits, including manholes, and other equipment, appliances and property of Grantee in the streets, alleys or public places of said Town of Onley, shall remain the property of Grantee, and shall be removed at the expense of Grantee, within a reasonable time after the expiration or termination of said rights and

(March 29, 1961 continued)

privileges, such time to be prescribed by the Council of said Town of Onley.

Section 11. This Ordinance and the rights and privileges hereby granted and conferred shall not become effective unless and until Grantee shall file with the Town Clerk of said Town of Onley its written acceptance hereof, in form satisfactory to said Mayor of Onley, and shall enter into bond in the sum of Five Thousand Dollars (\$5,000.00), with surety satisfactory to said Mayor, conditioned to the effect that Grantee will construct and maintain, or if constructed, will maintain the poles, towers, wires, cables, conduits, including manholes, and other equipment, appliances and property reasonably necessary for the exercise of the rights and privileges granted in and by this Ordinance, and will maintain the same in good order throughout the term of this grant and will comply in all respects with the terms, provisions and conditions of this Ordinance.

Section 12. The right is hereby granted to Grantee, insofar as said Town of Onley may lawfully grant such right, to operate the existing poles, towers, wires and appurtenances constructed within the corporate limits of the Town of Onley on the date this franchise becomes effective, and heretofore operated as an electric light, heat and power transmission and/or distribution system within said Town of Onley, as a part of the transmission and/or distribution system of Grantee to be constructed, maintained and operated under this Ordinance.

Section 13. This Ordinance shall be in force from its passage.

"Section 14. That upon the approval of this Ordinance by the Mayor of the Town of Onley, it shall be the duty of the Mayor to cause to be advertised once a week for four successive weeks in some newspaper of general circulation in the Town of Onley, the draft of the Ordinance contained in the foregoing section, and, in addition, he shall, by such advertisement, invite bids for the privileges and rights proposed to be granted by said Ordinance, which bids shall be in writing and shall be delivered to the presiding officer of the Council of the Town of Onley in open session at the day and hour of a special meeting of the said body to be held next after such advertisement is completed, which bids shall then be presented to the Council by the said presiding officer to be dealt with and acted upon in the manner prescribed by law for franchise grants. Said advertisement shall expressly reserve the right to reject any and all bids."

Above Ordinance approved this 29th day of March, 1961.

(March 29, 1961 continued)

On motion duly made and seconded, it was ordered that the Clerk have advertised in the Eastern Shore News, a weekly newspaper having a general circulation in the Town of Onley, once for each of four successive weeks, the following notice and advertisement of said Ordinance:

"Notice is hereby given that, in pursuance of the Code of Virginia, 1950, and acts of the General Assembly of Virginia, amendatory thereof, and the Constitution of the State of Virginia, the Council of the Town of Onley, Virginia, on the 29th day of March, 1961, adopted an Ordinance, the terms of which were approved by the Mayor of said Town of Onley on the 29th day of March, 1961, which Ordinance is in the following language, to wit:

(The Clerk shall here insert the complete text of such Ordinance.)

"Bids are invited for the above franchise privilege and rights proposed to be granted; all bids shall be submitted in writing to the Council of the Town of Onley, Virginia, at Mayor's Office, on the 3rd day of May, 1961, at 7:30 o'clock P.M. . Right is reserved to reject any and all bids.

"By order of the Town Council.

Mayor

Attest:

Clerk

September 6, 1962

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) No vehicle required to be licensed by the Town of Onley shall be issued a Town license unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the vehicle to be licensed, which personal property taxes have been assessed, or are assessable, by the Town of Onley against such applicant for the preceding year, have been paid.

T. Hallett Badger, Mayor

Attest: W. C. Kellam, Clerk

June 19, 1967

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ACCOMACK, ON
MONDAY, THE 19th DAY OF JUNE, IN THE YEAR OF OUR
LORD, NINETEEN HUNDRED AND SIXTY-SEVEN.

Common Law Case No. 3835 E. C. #

ExParte: Petition of the Town of Onley, a Municipal Corporation, situate
in the County of Accomack, State of Virginia, to annex certain
territory adjacent to said Town.

O R D E R

This day came the Plaintiff, the Town of Onley, a Municipal Corporation, situate in the County of Accomack, State of Virginia, and was heard on the Petition herein filed which has duly matured, Certificate of The Eastern Shore News, a newspaper having general circulation in the County of Accomack, being herewith filed evidencing publication of a copy of the Notice and Ordinance for four successive weeks, notice having been properly given to the Commonwealth's Attorney for the County of Accomack and to all members of the Board of Supervisors of Accomack County, a certified copy of the Resolution of the Board of Supervisors of the County of Accomack passed at its regular meeting on May 24, 1967 having been this day filed, upon the testimony of witnesses given in open Court, and was argued by Counsel.

It appearing to the Court that no answer having been filed and no persons having appeared, and there being no contest of opposition to the Petition, and it further appearing by the Resolution of the Board of Supervisors of the County of Accomack passed at its meeting of May 24, 1967, the Court doth, therefore, dispense with the giving of a written opinion, and in accordance with Section 15.1-1038 of the 1950 Code of Virginia as amended, is solely composed of the Judge of the 31st Judicial Circuit of the State of Virginia.

And it further appearing to the Court from the pleadings and exhibits filed herein and the evidence taken in open Court, that there is a necessity for and expediency of annexation and that it will be for the best interest of all concerned that the Areas A, B and C as shown on a plat of S. M. Rogers, C. E., dated April 14, 1967, entitled "Corporate Limits Town of Onley, Areas to be Annexed Accomack County, Virginia", which plat is a part of the records of this proceeding, be annexed to and be made a part of the Town of Onley, it is, therefore, adjudged, ordered and decreed that the prayer of the Petition of the Town of Onley filed in this case be, and the same hereby is, granted, and that Areas A, B and C are hereby ordered annexed to said Town, and such areas are henceforth to be a part of said Town and to be within the corporate limits of the Town of Onley as shown on the aforesaid plat of S. M. Rogers. This Order is to become effective at midnight December 31, 1967; and a copy of same is to be spread on the deed records of this county.

(June 19, 1967 continued)

The Court doth further order that the Clerk of this Court do spread the aforementioned plat of S. M. Rogers, dated April 14, 1967, on the plat records and that same be properly indexed, with a marginal certificate referring to this Order on said plat record.

The Court doth finally order that the costs of this proceeding be paid in its entirety by the Town of Onley, and that this cause be removed from the docket.

We ask for this:

N. Wescott Jacob
George Walter Mapp, Jr.
Attorneys for Town of Onley

Enter this order

C. M. L., Jr., Judge
6/19/67

Recorded in Deed Book No. 271,
Page 106, Accomack County Circuit
Court Clerk's Office, Accomac, Virginia,
and reference to plat recordation made
thereon.

Entered in Common Law Order
Book 1966 to _____, Page 90

A COPY -

Teste: J. Fulton Ayres, Clerk

April 1, 1968

Be it ordained by the Council of the Town of Onley, Accomack Co., Va.

(1) That it shall be unlawful for any person, firm or corporation to leave, abandon, or stow outdoors, a refrigerator, freezer, ice box, or similar type chest of any kind with doors or lids, upright or otherwise, within the corporate limits of the Town of Onley, without the doors or lids of such refrigerator, freezers, ice boxes, or similar type chests being removed in their entirety or secured with locks and chains.

(2) Any person, firm or corporation violating the provisions of this Ordinance shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for each offense.

Approved: Arthur T. Lowe, Mayor

Attest: W. C. Kellam, Clerk

April 1, 1968

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That it shall be unlawful for any person, firm or corporation to abandon any motor vehicle, trailer, or semi-trailer on any street within the corporate limits of the Town of Onley, whether attended or unattended, for more than forty-eight (48) hours.

(2) The Council of the Town of Onley may remove such abandoned vehicle for safe keeping to a storage garage or area.

(3) The costs and expenses thereof shall be chargeable to and paid by the person, firm or corporation violating this ordinance.

(4) The owner of such vehicle before obtaining possession thereof, shall pay to the Town all reasonable costs incidental to the removal, storage and locating the owner of the vehicle. Should such owner fail, or refuse to pay the costs, or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after a notice to him at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles in Virginia against the vehicle, the Town Council may dispose of the same at public sale and the proceeds from the sale shall be retained in the Town treasury. The Clerk shall pay from the proceeds of the sale the cost of removal, storage, investigation as to ownership and liens and notice of sale. The balance of such funds shall be

(April 1, 1968 continued)

held for the owner and paid to the owner upon said proof of ownership. In the event the value of such motor vehicle be determined by three (3) disinterested dealers, or garagemen, to be less than Fifty Dollars (\$50.00), said vehicle may be disposed of by private sale, or junked.

Approved: Arthur T. Lowe, Mayor

Attest: W. C. Kellam, Clerk

April 1, 1968

Be it ordained by the Council of the Town of Onley, Accomack County, Va.

(1) That it shall be unlawful for any person, firm or corporation, to park a motor vehicle, other than passenger type, on any street within the corporate limits of the Town of Onley, whether attended or not attended for more than Sixty Minutes (60), day or night.

(2) Any person, firm or corporation violating the provisions of this Ordinance shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for each offense.

(3) The provisions of this Ordinance shall not conflict with the provisions of other ordinances, or parts of ordinances now in effect.

Approved: Arthur T. Lowe, Mayor

Attest: W. C. Kellam, Clerk

August 11, 1969

The Mayor stated that the advertisements inviting bids for the franchise for the purpose of transmission and distribution, by cable, of television impulses and television energy and other intelligence for sale to the inhabitants of this Town and other purposes had been duly published in The Eastern Shore News, a newspaper published in the County of Accomack, Virginia, and of general circulation in the Town of Onley, once each week for four (4) successive weeks preceding this meeting and presented a certificate of such publication, which was, on motion duly made and seconded, ordered to be attached to the minutes as part thereof.

The Mayor then called for bids for the franchise to be granted, as provided by the ordinance adopted June 30, 1969. Mr. James Lee Johnson presented the bid of James Lee Johnson, I. W. Bagwell, III, Ned W. Coggwell and Colburn L. Dize, partners trading as Bayshore CATV, together with a check payable to Council of Town of Onley in the amount of Ten Dollars (\$10.00) in payment for the franchise, and check payable to Council of Town of Onley in the amount of Seventy-five Dollars (\$75.00) for the first year's guaranteed payment, as provided by said bid, which bid was read aloud to the Council as follows:

"RE: BID FOR FRANCHISE
TOWN OF ONLEY, VIRGINIA
MAYOR AND COUNCIL OF THE TOWN OF ONLEY, VIRGINIA

Gentlemen:

The undersigned James Lee Johnson, I. W. Bagwell, III, Ned W. Coggwell, and Colburn L. Dize, partners trading as Bayshore CATV, hereby offer the sum of Ten Dollars (\$10.00) for the franchise, privilege and rights proposed to be granted pursuant to the ordinance adopted by your Council on June 30, 1969, with respect to the use of the streets, lanes, avenues, alleys, bridges, highways and other public places in your Town, and subsequent additions thereto, for the purpose of transmission and distribution, by cable, of television impulses and television energy and other intelligence for sale to the inhabitants of said Town, and other purposes, in the manner and subject to the conditions provided in and contemplated by said ordinance.

They further offer in accordance with Section XXI of the advertised ordinance to pay annually to your Town the sum of Seventy-five Dollars (\$75.00) until the system becomes operative, after which they will pay annually the sum of Seventy-five Dollars (\$75.00), or 3% of gross revenue from subscribers of record in your Town during the time the franchise remains in force, whichever is greater .

(August 11, 1969 continued)

They further offer that the connection charge mentioned in Section XIX of the advertised ordinance shall not exceed Eight Dollars (8.00) per single connection rather than the \$25.00 mentioned in the advertised ordinance.

Very truly yours,

James Lee Johnson, I. W. Bagwell, III,
Ned W. Coggwell, and Colburn L. Dize,
partners trading as Bayshore CATV

By: Colburn L. Dize "
 Partner

The Mayor read the bid of Micanopy Group Companies, which bid was for an ordinance slightly different from that advertised in The Eastern Shore News.

No further bids were offered. The Mayor declared the bidding closed.

After consideration of the two bids offered, on motion of Harry E. Killmon, seconded by Herbert White, the following ordinance was adopted by the following vote on the call of the roll of the Council:

<u>Affirmative</u>	<u>Negative</u>
6	0

AN ORDINANCE GRANTING TO JAMES LEE JOHNSON, I. W. BAGWELL, III, NED W. COGGWELL, AND COLBURN L. DIZE, PARTNERS TRADING AS BAYSHORE CATV, THEIR SUCCESSORS AND ASSIGNS, THE RIGHT AND PRIVILEGE TO ERECT, MAINTAIN AND OPERATE TRANSMISSION AND DISTRIBUTION FACILITIES IN, UNDER, OVER, ALONG, ACROSS AND UPON THE STREETS, LANES, AVENUES, ALLEYS, BRIDGES, HIGHWAYS AND OTHER PUBLIC PLACES IN THE TOWN OF ONLEY, VIRGINIA, AND SUBSEQUENT ADDITIONS THERETO, FOR THE PURPOSE OF TRANSMISSION AND DISTRIBUTION BY CABLE OF TELEVISION IMPULSES AND TELEVISION ENERGY AND OTHER INTELLIGENCE FOR SALE TO THE INHABITANTS OF SAID TOWN AND OTHER PURPOSES, FOR A PERIOD OF THIRTY YEARS, AND REGULATING THE SAME.

BE IT ORDAINED BY the Council of the Town of Onley, Virginia:

Section I

In consideration of the faithful performance and observance of the conditions, restrictions and reservations hereinafter specified, the exclusive right and privilege is hereby granted to James Lee Johnson, I. W. Bagwell,

(August 11, 1969 continued)

III, Ned W. Coggwell, and Colburn L. Dize, partners trading as Bayshore CATV, their successors and assigns, hereinafter called the "Grantee", to erect, maintain and operate for a period of thirty (30) years from the date of passage of this Ordinance, an audio and video (television) transmission and distribution system and its necessary facilities, and additions thereto in, under, over, along, across and upon the streets, lanes, avenues, alleys, sidewalks, bridges and highways and other public places in the Town of Onley, Virginia and subsequent additions thereto, for the purpose of transmission and distribution of audio and video (television) impulses and energy and other intelligence in accordance with the laws of the United States of America, the State of Virginia and Ordinances of the Town of Onley, Virginia.

Section II

Whenever used herein, the words "Audio", "Video", and "Television" shall mean a system for transmission of audio signals and transient visual images by means of electrical impulses and "Other intelligence" shall mean radio audio FM and AM facsimile, data impulses, control signals, and any other intelligence legally and technically possible within the State of the Art and its advancements.

Section III

The poles and underground conduit facilities used for the grantee's distribution system shall be those erected and maintained by the locally franchised Telephone Company and/or the locally Franchised Power Company, their successors or assigns when and where practicable, providing mutually satisfactory rental agreements can be entered into with said Companies. Where the use of poles and underground conduit facilities owned by the locally franchised Telephone Company and/or the locally franchised Power Company, their successors or assigns, is not practicable, or mutually satisfactory rental agreements cannot be entered into with said Companies, the grantee shall have the right to erect and maintain its own poles and underground conduit facilities as may be necessary for the proper construction and maintenance of the distribution system, with the approval of locating poles and underground conduit facilities to be first given by the Town Mayor.

Section IV

The Grantee's transmission and distribution system, poles, wires and appurtenances, and underground conduit installations, shall be located, erected and maintained so as not to endanger or interfere with the lives of persons or interfere with any improvements or additions the Town may deem proper to

(August 11, 1969 continued)

make from time to time, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, or other public property; removal or relocation of any part of the grantee's transmission and distribution system, including poles, to avoid such interference shall be at the grantee's expense.

Section V

In the maintenance and operation of the television transmission and distribution system in the Town of Onley and in the course of construction or additions to its facilities, the Grantee shall proceed so as to cause the least possible inconvenience to the general public. Any opening or obstruction in the streets or other public place made by the Grantee in the course of its operations or the operations of its successors or assigns shall be guarded and protected at all times by the placement of adequate barriers, fencings or boardings, the bounds of which during periods of dusk and darkness shall be designated by warning lights of approved types.

Whenever the Grantee shall take up or disturb any pavement, sidewalk or other improvement of any street, avenue, alley, highway, or other improvement of any street, avenue, alley, highway, or other public place, the same shall be replaced and the surface restored in as good condition as before entry within forty-eight (48) hours after completion of the Grantee's work. Upon failure of the Grantee to make such restoration within such time, or to begin such restoration within such time, if the restoration cannot be made within such time, or upon the Grantee's delay of more than twenty-four (24) hours in the continuation of a restoration begun, the Town may serve upon the Grantee notice of the Town's intent to cause restoration to be made, and unless the Grantee, within twenty-four (24) hours after receipt of such notice, begins or resumes the proper restoration, the Town may cause the proper restoration to be made, including the removal of excess debris, and the expense of the same shall be paid by the Grantee upon demand by the Town.

Section VI

The Grantee or its successors or assigns shall maintain attachments on poles that the Town now uses, or has been authorized by other franchises now in force, in such manner that they will not interfere with the use of such poles by the Town. The Grantee shall grant to the Town, free of expense, joint use of any and all poles owned or erected by it for any proper municipal purpose, insofar as it may be done without interfering with the free use and enjoyment of the Grantee's own wires and fixtures.

(August 11, 1969 continued)

Section VII

The Grantee shall have the right to prescribe service rules and regulations for the conduct of its business not inconsistent with the provisions of this and other ordinances of the Town.

Section VIII

The Grantee shall provide channels for the reception of local, commercial and educational television stations, making available a wide selection of television channels to its subscribers.

Section IX

The Grantee's distribution system shall conform to the rules prescribed by the Federal Communications Commission.

Section X

The Grantee's receiving equipment transmission and distribution lines and related electronic components shall be installed and maintained so as to provide pictures on subscriber receivers throughout the system essentially of the same visual quality as those received at the antenna site.

Section XI

Installation and maintenance of equipment shall be such that standard NTSC color signals shall be transmitted with fidelity to any subscriber color receiver.

Section XIII

The Grantee shall indemnify, protect and save harmless the Town from and against losses and physical damages to property, and bodily injury or death to persons, including payments made under any workmen's compensation law, which may arise out of or be caused by the erection, maintenance, presence, use or removal of said attachments on poles within the Town, or by any act of the grantee, its agents or employees. The Grantee shall carry insurance to protect the parties hereto from and against all claims, demands, actions, judgments, costs, expenses, and liabilities which may arise or result, directly or indirectly from or by reason of such loss, injury or damage. The amounts of such insurance against liability due to physical damage to property shall not be less than twenty-five thousand dollars as to any one accident and not less than two hundred thousand dollars aggregate in any single policy year; and against liability due to bodily injury or to death of persons not less than one

(August 11, 1969 continued)

hundred thousand dollars as to any one person and not less than three hundred thousand dollars as to any one accident. The grantee shall also carry such insurance as it deems necessary to protect it from all claims under any workmen's compensation laws in effect that may be applicable to the Grantee. All insurance required by this agreement shall be and remain in full force and effect for the entire life of this agreement. Said policy or policies of insurance or a certified copy or copies thereof shall be approved by the Town Attorney.

Section XIV

If the Grantee shall fail to comply with any of the provisions of this grant, or default in any of its obligations, except for causes beyond the reasonable control of the Grantee, or shall fail within ninety (90) days after written notice from the Town, to correct such default or non-compliance, the Town Council shall have the right to revoke this Grant and all rights of the Grantee hereunder, "if after holding hearings on the alleged default or non-compliance a reasonable agreement cannot be reached."

Section XV

At the time this grant becomes effective, the Grantee shall furnish a bond to the City in the amount of one thousand dollars, in such form and with such sureties as shall be acceptable to the Town, guaranteeing the payment of all sums, which may at any time become due from the Grantee to the Town under the terms of this Grant (except such sums as are covered by the insurance provided in Section XIII) and further guaranteeing the faithful performance of all the obligations of the Grantee under the terms of this Grant.

Section XVI

Should any Section, Clause, or Provision of this Grant be declared invalid by a Court of Law, it shall not affect the validity of the Grant as a whole or any part hereof, other than the part declared invalid.

Section XVII

This Grant shall be between the Town of Onley, Virginia, and the Grantee or its successors or assigns and shall take effect and be in force for thirty (30) years from the date of its passage by the Town Council of the Town of Onley and the ratification and acceptance of its terms in writing by the Grantee within sixty (60) days of the awarding of this grant. Ratification and acceptance of this Grant shall be accomplished by delivering to the Town Mayor the following: (1) Its written acceptance of this Grant; (2) A duly executed bond in favor of the Town in the sum of One Thousand Dollars (\$1,000.00), conditioned and approved as provided in Section XV hereinabove; (3) Certificates of liability insurance,

(August 11, 1969 continued)

conditioned and approved as provided in Section XIII hereinabove.

Section XVIII

In event of failure of Grantee to place the CATV system into operation within five (5) years from the date this franchise is granted or within twenty-four (24) months from receipt of all necessary State and Federal authorizations, and all necessary pole attachment agreements, as set forth in Sections III, IV, V, and VI hereinabove, whichever is shorter, the Grantor shall have the right, after reasonable notice to Grantee, to declare this franchise and all rights thereunder null and void.

Section XIX

The Grantee agrees that the connection charge to be made to any "Residential" subscribers for its service during the term of this Agreement shall not exceed \$8.00 per single connection. The maximum monthly service charge to "Residential" subscribers shall not exceed \$6.00 per single connection. Additional outlets already installed shall be charged at the rate of \$.75 per TV per month. Additional special filter networks to provide connection to FM radio receivers may be installed at the rate of \$10.00 each and no additional monthly service charge will be made for the use of the "FM" signals provided as a bonus to existing subscribers. An "FM" only service will be provided at the same installation rate and monthly service charge as a single TV outlet and may be converted to a regular TV only service at no additional charge or a TV plus "FM" arrangement for an installation charge of \$10.00. Commercial accounts will be negotiated by the System Manager in accord with the installation requirements, number and type of outlets desired and seasonal nature of the service requirements. In the event that the Grantee shall feel that these charges are insufficient or are inequitable in any manner, the Grantee may apply to the Town Council for a revision of such charges, and upon such application the Town Council may revise the maximum limits of such charges as herein established, provided that the determination of the Grantee's rates shall be subject solely to the rules and regulations of any State or Federal authority which may subsequently, or by due process of law, acquire jurisdiction over this type of industry or enterprise.

Section XX

Successors, assigns or designees of the Grantee shall be approved by the Town Council. The rights and privileges of this grant shall not accrue to any successor, assignee or designee until there is filed with the Town Mayor the ratification and acceptance of this Grant (as to any such successor, assignee, or designee) as if required of the Grantee in Section XVII hereinabove.

(August 11, 1969 continued)

Section XXI

In consideration of the grants contained herein, the Grantee agrees to pay annually to the Town of Onley the sum of \$75.00 until the system becomes operative, after which the Grantee shall pay annually the sum of \$75.00, or 3% of gross revenue from subscribers of record within the Corporate limits of the Town of Onley, Virginia, as of December 31st of each year, during the time the franchise remains in force, whichever is greater.

Section XXII

This Ordinance is adopted in the interest of the Public Welfare and convenience.

Section XXIII

This Ordinance shall be in full force and effect from and after its adoption.

Above Ordinance approved this 11th day of August, 1969.

A. T. Lowe

Mayor

Attest:

W. C. Kellam, Clerk

ORDINANCE OF THE TOWN OF ONLEY, APPROVING ACCEPTANCE OF AWARD OF FRANCHISE AND BOND AND CERTIFICATES OF INSURANCE FILED THEREWITH BY JAMES LEE JOHNSON, I. W. BAGWELL, III, NED W. COGGWELL, AND COLBURN L. DIZE, PARTNERS TRADING AS BAYSHORE CATV, AND TRANSFER OF FRANCHISE FROM JAMES LEE JOHNSON, I. W. BAGWELL, III, NED W. COGGWELL, AND COLBURN L. DIZE, PARTNERS TRADING AS BAYSHORE CATV TO BAYSHORE CATV, INC., A VIRGINIA CORPORATION

On motion of Herbert White, seconded by Edwin Waters, it is unanimously resolved as follows:

1. That the written acceptance, bond and insurance certificates required in Sections XIII and XV of the Ordinance passed August 11, 1969, awarding the franchise to James Lee Johnson, I. W. Bagwell, III, Ned W. Coggwell, and Colburn L. Dize, partners trading as Bayshore CATV, to use the streets

(August 11, 1969 continued)

and other public places as set out in said Ordinance for the purposes as set out in said Ordinance be, and the same hereby are, approved.

2. That the request of James Lee Johnson, I. W. Bagwell, III, Ned W. Coggwell, and Colburn L. Dize, partners trading as Bayshore CATV, to transfer to Bayshore CATV, Inc., a Virginia corporation, the rights and privileges granted to said partnership in an ordinance passed by this Council on August 11, 1969, is hereby approved.

Bayshore CATV, Inc., a Virginia corporation, is granted sixty (60) days from this date within which to comply with the requirements of Section XX of the ordinance awarding the franchise to said partnership.

ZONING ORDINANCE
FOR THE
TOWN OF ONLEY, VIRGINIA

February 1970

TOWN OF ONLEY, VIRGINIA
ZONING ORDINANCE

Whereas, by act of the General Assembly of Virginia as provided in Chapter 11, Article 8, Sections 15.1-486 through 15.1-498, Code of Virginia and amendments thereto, the governing body of any municipality may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape, and area as it may deem best suited to carry out the purposes of this article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

- (a) The use of land, buildings, structures, and other premises for agricultural, commercial, industrial, residential, and other specific uses;
- (b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- (c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;
- (d) The excavation or mining of soils or other natural resources.

Therefore, be it ordained by the Town Council of Onley, Virginia, for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Section 15.1-486, that the following be adopted as the zoning ordinance of Onley, Virginia, together with the accompanying map. This ordinance has been designed (a) to provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers; (b) to reduce or prevent congestion in the public streets; (c) to facilitate the creation of a convenient, attractive, and harmonious community; (d) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements; (e) to protect against destruction of or encroachment upon historic areas; (f) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health, or property from fire, flood, panic, or other dangers. and; (g) to encourage economic development activities that provide desirable employment and enlarge the tax base.

ARTICLE 1 - DISTRICTS

1-1. For the purpose of this ordinance, the incorporated area of Onley, Virginia, is hereby divided into the following districts:

Residential R-1
Business B-1
Industrial M-1

ARTICLE 2 - RESIDENTIAL DISTRICT R-1

Statement of Intent

This district is composed of certain low to medium concentration of residential uses, plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain commercial uses of a character unlikely to develop general concentration of traffic, crowds of customers, and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. This residential district is not completely residential as it includes public and semipublic, institutional, and other related uses. However, it is basically residential in character and, as such, should not be spotted with commercial and industrial uses.

2-1. USE REGULATIONS

In Residential District R-1, structures to be erected or land to be used shall be for one or more of the following uses:

- 2-1-1. Single-family dwellings.
- 2-1-2. Two-family dwellings.
- 2-1-3. Three-family dwellings.
- 2-1-4. Four-family dwellings.
- 2-1-5. Tourist homes.
- 2-1-6. Kindergardens in a building.

Art. 2 Residential District R-1

- 2-1-8. Parks and playgrounds.
- 2-1-9. Professional offices in a building.
- 2-1-10. Home occupations as defined, conducted by the occupant.
- 2-1-11. Off-street parking as required by this ordinance.
- 2-1-12. Accessory buildings permitted as defined, however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than one (1) foot to any property line.
- 2-1-13. Public utilities: poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- 2-1-14. Church bulletin boards and church identification signs for church activities only not exceeding twelve (12) square feet in area.
- 2-1-15. Home occupation signs.
- 2-1-16. Identification signs.
- 2-1-17. Real estate signs.
- 2-1-18. Temporary signs.

2-2. AREA REGULATIONS

- 2-2-1. For lots containing or intended to contain a single-family dwelling, the minimum lot area shall be fourteen (14,000) square feet. The required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

2-3. SETBACK REGULATIONS

Structures shall be located thirty-five (35) feet or more from any street right of way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center of any street right of way less than fifty (50) feet in width. This shall be known as the "setback line."

2-4. FRONTAGE REGULATIONS

For permitted uses the minimum lot width at the setback line shall be sixty (60) feet or more, and for each additional dwelling unit or permitted use there shall be at least ten (10) feet of additional lot width at the setback line.

Art. 2 Residential District R-1

2-5. YARD REGULATIONS

- 2-5-1. Side - The minimum side yard for each main structure shall be ten (10) feet.
- 2-5-2. Rear - Each main structure shall have a rear yard of twenty-five (25) feet.

2-6. HEIGHT REGULATIONS

Buildings may be erected up to thirty-five (35) feet in height from grade except that:

- 2-6-1. The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.
- 2-6-2. A church may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 2-6-3. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae and radio serials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

2-7. SPECIAL PROVISIONS FOR CORNER LOTS

- 2-7-1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 2-7-2. The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory building.

ARTICLE 3 - BUSINESS DISTRICT B-1

Statement of Intent

Generally, this district covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, restaurants and public buildings.

3-1. USE REGULATIONS

In Business District B-1, structures to be erected or land to be used shall be for one or more of the following uses:

Art. 3 Business District B-1

- 3-1-1. Retail food stores.
- 3-1-2. Bakeries.
- 3-1-3. Dry cleaners.
- 3-1-4. Laundries.
- 3-1-5. Wearing apparel stores.
- 3-1-6. Drug stores.
- 3-1-7. Post offices, County offices, Town offices and other similar public uses.
- 3-1-8. Barber and beauty shops.
- 3-1-9. Auto and home appliance services.
- 3-1-10. Theaters, assembly halls.
- 3-1-11. Hotels, motels and inns.
- 3-1-12. Office buildings.
- 3-1-13. Churches and schools.
- 3-1-14. Libraries.
- 3-1-15. Mobile home park.
- 3-1-16. Rooming and boarding houses.
- 3-1-17. Hospitals, general.
- 3-1-18. Rest and Convalescent homes.
- 3-1-19. Animal hospital or clinic.
- 3-1-20. Nursing homes.
- 3-1-21. Funeral homes.
- 3-1-22. Service stations (with major repair under cover).
- 3-1-23. Clubs and lodges.

Art. 3 Business District B-1

- 3-1-24. Auto sales and service.
- 3-1-25. Lumber and building supply (with storage under cover).
- 3-1-26. Plumbing and electrical supply (with storage under cover).
- 3-1-27. Wholesale and processing not objectionable because of dust, noise, or odors with a conditional use permit.
- 3-1-28. Machinery sales and service.
- 3-1-29. Furniture stores.
- 3-1-30. Restaurants.
- 3-1-31. Public utilities.
- 3-1-32. Off-street parking as required by this ordinance.
- 3-1-33. Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. The governing body may request that the commission submit a recommendation to them concerning such use applications. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as they may deem necessary in the public interest.
- 3-1-34. Business signs.
- 3-1-35. Directional signs.
- 3-1-36. Church bulletin boards and church identification signs for church activities only not exceeding twelve (12) square feet in area.
- 3-1-37. General advertising signs.
- 3-1-38. Any use provided for in Industrial District M-1 is allowed in this district with a conditional use permit.

3-2. AREA REGULATIONS

None, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

3-3. FRONTAGE AND YARD REGULATIONS

For permitted uses, the minimum side yard or rear yard adjoining or adjacent to a residential district shall be twenty-five (25) feet and off-street parking shall be in accordance with the provisions contained herein.

3-4. HEIGHT REGULATIONS

3-4-1. Buildings may be erected up to forty-five (45) feet in height from grade.

3-4-2. Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flag poles, television antennae and radio aeriels are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

3-5. REQUIREMENTS FOR PERMITTED USES

Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed site plans in sufficient detail to show the operations and processes shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the planning commission for their recommendations. Modification of the plans may be required.

ARTICLE 4 - INDUSTRIAL, LIMITED, DISTRICT M-1

Statement of Intent

The primary purpose of this district is to permit certain industries, which do not in any way detract from residential desirability, to locate in any area adjacent to residential uses. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

4-1. USE REGULATIONS

In Industrial District M-1 any structure to be erected or land to be used shall be for one or more of the following uses:

- 4-1-1. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts, such as coils, condensers, transformers, and crystal holders.
- 4-1-2. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture.
- 4-1-3. Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty-(40) ton rated capacity and drop hammers.
- 4-1-4. Laboratories - pharmaceutical and/or medical.
- 4-1-5. Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products.
- 4-1-6. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, and paint.
- 4-1-7. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- 4-1-8. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- 4-1-9. Building materials sales yards, plumbing supplies storage.
- 4-1-10. Coal and wood yards, lumber yards, feed and seed stores.
- 4-1-11. Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.
- 4-1-12. Cabinets, furniture and upholstery shops.
- 4-1-13. Boat building.
- 4-1-14. Monumental stone works.
- 4-1-15. Veterinary or dog or cat hospital, kennels.
- 4-1-16. Airports with conditional use permit.

- 4-1-17. Wholesale businesses, storage warehouses.
- 4-1-18. Off-street parking as required by this ordinance.
- 4-1-19. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- 4-1-20. Business signs.
- 4-1-21. General advertising signs.
- 4-1-22. Location signs.

4-2. REQUIREMENTS FOR PERMITTED USES

- 4-2-1. Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modifications of the plans may be required.
- 4-2-2. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.
- 4-2-3. Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.
- 4-2-4. Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential districts, and (b) for off-street parking of vehicles incidental to the industry, its employees and clients.
- 4-2-5. Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. They shall be allowed up to three (3) years after adoption of this ordinance in which to completely screen, on any side open to view from a public road, the operation or use by a masonry wall, a uniformly

painted solid board fence, or an evergreen hedge six (6) feet in height.

- 4-2-6. The administrator shall act on any application received within twenty (20) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a twenty-(20) day period. Failure on the part of the administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

4-3. AREA REGULATIONS

For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official.

4-4. SETBACK REGULATIONS

Buildings shall be located ten (10) feet or more from any street right of way which is fifty (50) feet or greater in width, or thirty-five (35) feet or more from the center line of any street right of way less than fifty (50) feet in width except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

4-5. FRONTAGE AND YARD REGULATIONS

For permitted uses the minimum side yard adjoining or adjacent to a residential or agricultural district shall be ten (10) feet. The side yard of corner lots shall be twenty (20) feet or more. Off-street parking shall be in accordance with the provisions contained herein.

4-6. HEIGHT REGULATIONS

Buildings may be erected up to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

4-7. COVERAGE REGULATIONS

Buildings or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the lot.

ARTICLE 5 - NONCONFORMING USES

5-1. CONTINUATION

- 5-1-1. If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of a rezoning have twenty-four (24) months within which to relocate in a permitted area.
- 5-1-2. If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- 5-1-3. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.
- 5-1-4. Whenever a nonconforming structure, lot, or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.
- 5-1-5. Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.

5-2. PERMITS

- 5-2-1. All nonconforming uses shall obtain a zoning permit and a certificate of occupancy within sixty (60) days after the adoption of this ordinance. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use.
- 5-2-2. The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

5-3. REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure provided that

Art. 5 Nonconforming Uses

the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

5-4. CHANGES IN DISTRICT BOUNDARIES

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Article.

5-5. EXPANSION OR ENLARGEMENT

5-5-1. A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.

5-5-2. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

5-6. NONCONFORMING LOTS

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements of the board of zoning appeal regarding setbacks, side and rear yards are met.

5-7. RESTORATION OR REPLACEMENT

5-7-1. If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

5-7-2. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

5-7-3. Where a conforming structure devoted to a nonconforming activity is damaged less than fifty (50) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such

Art. 5. Nonconforming Uses

repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

- 5-7-4. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

ARTICLE 6 - GENERAL PROVISIONS

6-1. ZONING PERMITS

6-1-1. Buildings or structures shall be started, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the administrator, who shall charge the sum of one dollar (\$1.00) for the said permit.

6-1-2. The commission may request a review of the zoning permit approved by the administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

6-1-3. Each application for a zoning permit shall be accompanied by three (3) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right of way of any street or highway adjoining said parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance, a permit shall be issued to the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

6-2. CERTIFICATE OF OCCUPANCY

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of occupancy has been issued by the administrator. Such a permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this ordinance.

Art. 6 General Provisions

6-3. CONDITIONAL USE PERMIT

Where permitted by this ordinance the location of certain uses shall require, in addition to the zoning permit and the certificate of occupancy, a conditional use permit. These permits shall be subject to such conditions as the governing body deems necessary to carry out the intent of this ordinance and the governing body shall be guided by any of the following relevant criteria:

- 6-3-1. The proposed use is contrary to the established land use pattern;
- 6-3-2. The proposed use would create an isolated use unrelated to adjacent and nearby districts;
- 6-3-3. The proposed use would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, streets, etc;
- 6-3-4. The existing zoning district boundaires are illogically drawn in relation to existing conditions and the property proposed for a conditional use permit should be rezoned to allow such uses;
- 6-3-5. The proposed use would be contrary to any existing Comprehensive Plan;
- 6-3-6. Changed or changing conditions make the allowance of this conditional use permit necessary;
- 6-3-7. The proposed use will adversely influence living conditions in the neighborhood;
- 6-3-8. The proposed use will create or excessively increase traffic congestion or otherwise affect public safety;
- 6-3-9. The proposed use will create a drainage problem;
- 6-3-10. The proposed use will seriously reduce light and air or will seriously increase light and pollution to adjacent areas;
- 6-3-11. The proposed use will adversely affect property values in the adjacent areas;
- 6-3-12. The proposed use will be a deterrent to the improvement or development of adjacent property in accord with the existing uses of planned uses.
- 6-3-13. The proposed use will constitute a grant of special privilege to an individual owner as contrasted with the public welfare;
- 6-3-14. There are substantial reasons why the property cannot be used in accord with the existing uses available without a conditinnal use permit to the benefit of all concerned;

Art. 6 General Provisions

- 6-3-15. There are few other adequate sites in the town for the proposed use;
- 6-3-16. The proposed use is out of scale with the needs of the neighborhood and the town.
- 6-3-17. The governing body shall find as a matter of fact for the record the status of the proposed use and then shall set such reasonable conditions as it shall deem necessary.

6-4. USES NOT PROVIDED FOR

If in any district established under this ordinance a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendations to the governing body within thirty (30) days. If the recommendation of the planning commission is approved by the governing body, the ordinance shall be amended to list the use as a permitted use in that district, henceforth.

6-5. WIDENING OF HIGHWAYS AND STREETS

Whenever there shall be plans in existence approved by either the State Department of Highways or by the governing body for the widening of any street or highway the commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right of way, in order to preserve and protect the right of way for such proposed street or highway widening.

6-6. MINIMUM OFF-STREET PARKING

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows:

- 6-6-1. In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.
- 6-6-2. Tourist homes and motels shall provide on the lot, parking space for one (1) automobile for each accommodation.
- 6-6-3. For church, high school, college and university auditoriums, and for theaters, general auditoriums, stadiums, and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.

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- 6-6-4. For hospitals, at least one (1) parking space for each two (2) beds' capacity, including infants' cribs and children's beds.
- 6-6-5. For medical and dental clinics, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
- 6-6-6. For tourist courts, apartments, and apartment motels, at least one (1) parking space for each individual sleeping or living unit. For hotels and apartment motels at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms over twenty (20).
- 6-6-7. For professional offices at least one (1) parking space for every one hundred (100) square feet of building.
- 6-6-8. For mortuaries and liquor stores, at least thirty (30) parking spaces.
- 6-6-9. For retail stores selling direct to the public, one (1) parking space for each one hundred (100) square feet of retail floor space in the building.
- 6-6-10. Any other commercial building not listed above hereafter erected, converted, or structurally altered shall provide one (1) parking space for each one hundred (100) square feet of business floor space in the building.
- 6-6-11. Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred (600) feet. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt, or concrete. It shall have appropriate guards where needed as determined by the administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

ARTICLE 7 - PROVISIONS FOR APPEAL

7-1. BOARD OF ZONING APPEALS

- 7-7-1. A board consisting of five (5) members shall be appointed by the circuit court of Accomack County. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after a public hearing. Appointments for vacancies occurring otherwise than by expiration of term

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shall in all cases be for the unexpired term.

- 7-1-2. The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for three years, one for two years, and one for one year. One of the five appointed members shall be an active member of the planning commission.
- 7-1-3. Members may be removed for cause by the appointing authority upon written charges and after a public hearing.
- 7-1-4. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.
- 7-1-5. The board shall choose annually its own chairman and vice chairman who shall act in the absence of the chairman.

7-2. POWERS OF THE BOARD OF ZONING APPEALS.

Boards of zoning appeals shall have the following powers and duties:

- 7-2-1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.
- 7-2-2. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

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No such variance shall be authorized by the board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia 1950, as amended.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance the board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

7-3. RULES AND REGULATIONS

- 7-3-1. The board of zoning appeals shall adopt rules and regulations as it may consider necessary.
- 7-3-2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.
- 7-3-3. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- 7-3-4. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- 7-3-5. All meetings of the board shall be open to the public.
- 7-3-6. A quorum shall be at least three (3) members.
- 7-3-7. A favorable vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any

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matter upon which the board is required to pass.

4. APPEAL TO THE BOARD OF ZONING APPEALS

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision of the zoning administrator. Such appeal shall be taken within thirty days after the decision appealed from by filing with the zoning administrator, and with the board a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

7-5. APPEAL PROCEDURE

7-5-1. Appeals shall be mailed to the board of zoning appeals c/o the zoning administrator and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department, or agency concerned if any.

7-5-2. Appeals requiring an advertised public hearing shall be accompanied by a certified check for twenty dollars (\$20.00) payable to the Town Treasurer.

7-6. PUBLIC HEARING

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty days. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. The concurring vote of three members shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

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7-7. DECISION OF BOARD OF ZONING APPEALS

- 7-7-1. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau may present to the circuit court of Accomack County a petition specifying the grounds on which aggrieved within thirty days after filing of the decision in the office of the board.
- 7-7-2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- 7-7-3. The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- 7-7-4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- 7-7-5. Costs shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

ARTICLE 8 - VIOLATION AND PENALTY

- 8-1. All department, officials, and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance, shall be null and void.
- 8-2. Any person, firm, or corporation, whether as principal, agent,

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employed or otherwise, violating, causing, or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof may be fined up to two hundred and fifty dollars (\$250.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

ARTICLE 9 - AMENDMENTS

- 9-1. The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the governing body; provided:
- 9-1-1. The planning commission shall hold at least one public hearing on such proposed amendment after notice as required by Section 15.1-431, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the commission shall present the proposed amendment to the governing body together with its recommendations and appropriate explanatory materials.
- 9-1-2. Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by Section 15.1-431, after which the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by Section 15.1-431. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance.

ARTICLE 10 - ADMINISTRATION AND INTERPRETATION

- 10-1. This ordinance shall be enforced by the administrator who shall be appointed by the governing body. The administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the governing body.
- 10-2. Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity

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with the provisions of this ordinance for the district in which the operation is located.

10-3. INTERPRETATION

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- 10-3-1. Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries as the case may be.
- 10-3-2. Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.
- 10-3-3. If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

10-4. EFFECTIVE DATE

The effective date of this ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed.

10-5. SEVERABILITY

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

10-6. CONFLICTING ORDINANCES

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

10-7. This zoning ordinance of Onley, Virginia, shall be effective on and

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after 12:01 a.m., February 4, 1970.

10-8.

A certified copy of the foregoing zoning ordinance of Onley, Virginia, shall be filed in the office of the zoning administrator of Onley, Virginia, and in the office of the clerk of the Circuit Court of Accomack County, Virginia.

ARTICLE 11 - DEFINITIONS

For the purpose of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular.

- 11-1. ABATTOIR: A commercial slaughter house.
- 11-2. ACCESSORY USE OR STRUCTURE: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.
- 11-3. ACREAGE: A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.
- 11-4. ADMINISTRATOR, THE: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the Town Council. He may serve with or without compensation as determined by Council.
- 11-5. AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, forestry, and gardening including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, dairies or similar use.
- 11-6. ALTERATION: Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
- 11-7. APARTMENT HOUSE: A building used or intended to be used as the residence of three (3) or more families living independently of each other.
- 11-8. AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed. (Code of Virginia, 1938, P. 439; Michie Code 1942, Sec. 3030c)
- 11-9. BASEMENT: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.
- 11-10. BOARDING HOUSE: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

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- 11-11. BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels, but under no circumstances is a mobile home to be considered a building.
- 11-12. BUILDING, ACCESSORY: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.
- 11-13. BUILDING, HEIGHT OF: The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- 11-14. BUILDING, MAIN: The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.
- 11-15. CELLAR: A story having more than one-half (1/2) of its height below grade and which may not be occupied for dwelling purposes.
- 11-16. COMMISSION, THE: The planning commission of Onley, Virginia.
- 11-17. DAIRY: A commercial establishment for the manufacture and sale of dairy products.
- 11-18. DISTRICT: Districts as referred to in the State Code, Section 15.1-486.
- 11-19. DWELLING: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, automobile trailers, and mobile homes.
- 11-20. DWELLING, MULTIPLE-FAMILY: A structure arranged or designed to be occupied by more than one (1) family.
- 11-21. DWELLING, TWO-FAMILY: A structure arranged or designed to be occupied by two families, the structure having only two (2) dwelling units.
- 11-22. DWELLING, SINGLE-FAMILY: A structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

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- 11-23. DWELLING UNIT: One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen.
- 11-24. DUMP HEAP (TRASH PILE): Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a State highway, a residence, a dairy barn or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.
- 11-25. FAMILY: One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel.
- 11-26. FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.
- 11-27. GARAGE, PRIVATE: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1-1/2) times as many automobiles as there are dwelling units.
- 11-28. GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.
- 11-29. GENERAL STORE, COUNTRY: A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily, most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.
- 11-30. GOLF COURSE: Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.
- 11-31. GOLF DRIVING RANGE: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

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- 32. GOVERNING BODY: The Town Council of Onley, Virginia.

- 11-33. GUEST ROOM: A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

- 11-34. HISTORICAL AREA: As defined on the zoning map in which the provisions of the ordinance apply for protection of a historical heritage.

- 11-35. HOG FARM: A farm where hogs are kept and fed primarily on garbage transported from other places.

- 11-36. HOME GARDEN: A garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.

- 11-37. HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities provided that no home occupation shall create a parking problem, create a noxious odor, or create an objectionable noise level.

- 11-38. HOSPITAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition herein.)

- 11-39. HOSPITAL, SPECIAL CARE: A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

- 11-40. HOTEL: A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

- 11-41. JUNK YARD: The use of any area of land lying within one hundred (100) feet of a State highway or the use of more than two hundred (200) square feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term "junk yard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1938, Code of Virginia.

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- 11-42. KENNEL: A place prepared to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.
- 11-43. LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale and auctioned off.
- 11-44. LOT: A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.
- 11-45. LOT, CORNER: A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
- 11-46. LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.
- 11-47. LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.
- 11-48. LOT, INTERIOR: Any lot other than a corner lot.
- 11-49. LOT, WIDTH OF: The average horizontal distance between side lot lines.
- 11-50. LOT OF RECORD: A lot which has been recorded in the clerk's office of the Circuit Court.
- 11-51. MANUFACTURE AND/OR MANUFACTURING: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.
- 11-52. MOBILE HOME: A mobile home is a single-family trailer designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a unit complete and ready for occupancy; except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. A mobile home is not intended to be classed as a dwelling under the meaning as hereinbefore defined.
- 11-53. MOBILE HOME PARK OR SUBDIVISION: Any area of two (2) acres or more owned by one person or corporation designed to accommodate ten (10) or more mobile homes intended for residential use where residence is in mobile homes exclusively.

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- 11-54. NONCONFORMING LOT: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 11-55. NONCONFORMING ACTIVITY: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 11-56. NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.
- 11-57. OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right of way.
- 11-58. PEN: A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred (100) square feet for each hog or small animal or two hundred (200) square feet for each larger animal shall not be regarded as a pen.
- 11-59. PROFESSIONAL OFFICE: Buildings, not containing over nine hundred (900) square feet in floor area, used by doctors, dentists lawyers, engineers, architects, and accountants provided that no more than two persons can practice their professions in said building.
- 11-60. PUBLIC WATER AND SEWER SYSTEMS: A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.
- 11-61. REQUIRED OPEN SPACE: Any space required in any front, side or rear yard.
- 11-62. RESTAURANT: Any building in which for compensation food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.

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- 11-63. **RETAIL STORES AND SHOPS:** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), such as the following, which will serve as illustration: drug store, newsstand, food store, candy shop, milk dispensary, drygoods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty shop.
- 11-64. **SAWMILL:** A portable sawmill located on a private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.
- 11-65. **SETBACK:** The minimum distance by which any building or structure must be separated from the front lot line.
- 11-66. **SIGN:** Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.
- 11-66-1. Business. A sign which directs attention to a product, commodity, or service available on the premises.
- 11-66-2. Home Occupation. A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.
- 11-66-3. General Advertising. A sign which directs attention to a product, commodity, or service not necessarily available on the premises.
- 11-66-4. Location: A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.
- 11-66-5. Directional. A directional sign is one (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called) four (4) square feet or less in area, giving the name only of the farm or business responsible for the erection of same.
- 11-67. **SIGN STRUCTURE:** Includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, v-type or otherwise, exhibiting a sign.
- 11-68. **SIGN, TEMPORARY:** A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land. Temporary signs shall conform in size and type to directional signs.

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- 11-69. STORE: See 15-64, Retail Stores and Shops.
- 11-70. STORY: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.
- 11-71. STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.
- 11-72. STREET, ROAD: A public thoroughfare which affords principal means of access to abutting property.
- 11-73. STREET LINE: The dividing line between a street or road right of way and the contiguous property.
- 11-74. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.
- 11-75. TOURIST COURT, AUTO COURT, MOTEL, AUTEL, CABINS, OR MOTOR LODGE: One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.
- 11-76. TOURIST HOME: A dwelling where only lodging is provided for compensation for up to seven (7) (in contradistinction to hotels and boarding houses) and open to transients.
- 11-77. TRAVEL TRAILER: A mobile unit regardless of length and weight which is designed for human habitation.
- 11-78. USE, ACCESSORY: A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.
- 11-79. VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces;

Article 11. Definitions

establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

- 11-80. WAYSIDE STAND, ROADSIDE STAND, WAYSIDE MARKET: Any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.
- 11-81. YARD: An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- 11-81.-1. Front. An open space on the same lot as a building between the front line of the building (exclusive of steps) and the front lot or street line, and extending across the full width of the lot.
- 11-81.-2. Rear. An open, unoccupied space on the same lot as a building between the rear line of the building (exclusive of steps) and the rear line of the lot, and extending the full width of the lot.
- 11-81.-3. Side. An open, unoccupied space on the same lot as a building between the side line of the building (exclusive of steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

June 1, 1970

AMENDMENT TO ZONING ORDINANCE

WHEREAS, the Town of Onley, Virginia, previously passed a Zoning Ordinance for the said Town effective February 4, 1970; and,

WHEREAS, application for re-zoning was made on February 20, 1970; and,

WHEREAS, the Onley Planning Commission has requested that the aforesaid Zoning Ordinance be amended in accordance with the application for re-zoning by changing the classification of a certain strip of land situate on the eastern side of U. S. Route 13 By-pass from residential to commercial;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Onley, Virginia, for the purposes set forth in the Onley Zoning Ordinance adopted by the said Town Council on February 4, 1970, that the said Zoning Ordinance be, and the same hereby is, amended to change from residential to commercial a certain parcel of land situate on the eastern side of U. S. Route 13 By-pass, the said parcel having a frontage on said U. S. Route 13 By-pass of approximately six hundred twenty-five feet, and being bounded generally as follows: Commencing at the intersection of the eastern boundary of U. S. Route 13 By-pass and the Town Limits of the Town of Onley; thence running along the eastern boundary of said U. S. Route 13 By-pass in a southwesterly direction for a distance of approximately six hundred twenty-five feet to a point where the existing Commercial Zone ends; thence turning and running along the existing boundary of the Commercial Zone to a certain point that is approximately six hundred fifty feet from the said U. S. Route 13 By-pass; thence turning and running in a straight line in a northerly direction to a certain point on the boundary line of the Town Limits of the Town of Onley that is approximately five hundred feet from the eastern boundary of said U. S. Route 13 By-pass; thence turning and running along the Town Limits of the Town of Onley in a westerly direction for a distance of approximately five hundred feet to U. S. Route 13 By-pass, the point of beginning and being more particularly described on the amended Zoning Map for the town of Onley located in the Town Office of Onley, Virginia.

On motion of Mr. Paul H. White, seconded by Mr. Henry Lewis, the above Amendment to the Zoning Ordinance was unanimously adopted. This amendment to be effective as of midnight June 1, 1970.

A. T. Lowe, Mayor

T. Hallett Badger, Clerk

March 6, 1972

AMENDMENT TO ZONING ORDINANCE

WHEREAS, the Town of Onley, Virginia, previously passed a Zoning Ordinance for the said Town effective February 4, 1970; and,

WHEREAS, application for re-zoning the hereinafter described real estate was filed; and

WHEREAS, after a public hearing on the proposed amendment to the Zoning Ordinance, the Onley Planning Commission has requested that the aforesaid Zoning Ordinance be amended in accordance with the application for re-zoning by changing the classification of the hereinafter described real estate from residential to commercial;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL of Onley, Virginia, for the purposes set forth in the Onley Zoning Ordinance adopted by the said Town Council on February 4, 1970, that the said Zoning Ordinance be, and the same hereby is, amended to change from residential to commercial a certain parcel of real estate situate on the east side of U. S. Route 13 Business, the said parcel of land being bounded generally as follows: On the North, by Madison Avenue; on the East, by Penn Central Railroad; on the South, by the Onley Town Limits; and on the West, by Route 13 Business; the said parcel of land being designated as Block B on the Zoning Map of the Town of Onley situate in the Onley town office, Onley, Virginia.

This ordinance is effective March 6, 1972.

A. T. Lowe, Mayor

T. Hallett Badger, Clerk

January 3, 1972

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ONLEY

- First: It shall not be lawful from and after the passage of this ordinance for any person, firm, partnership, or corporation to have in possession or raise live hog or hogs within the corporate limits of the Town of Onley.
- Second: Any person, firm, partnership, or corporation now having in possession hog or hogs within the corporate limits of the Town of Onley shall be notified of the passage of this ordinance and shall have seven (7) days from the date of said notice in which to remove said hog or hogs from the corporate limits of the Town of Onley. Thereafter no further notice is required to be given to any person, firm, partnership, or corporation relative to the provisions of this ordinance.
- Third: Violations of any of the provisions of this ordinance by any person, firm, partnership, or corporation shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each day such violation is continued.

October 6, 1975

BE IT ORDAINED BY THE TOWN OF ONLEY, ACCOMACK COUNTY, VIRGINIA, THAT a curfew is hereby established for the corporate limits of the said Town and it shall be henceforth unlawful for any person or persons to frequent, occupy, loiter, congregate or otherwise be upon or about the streets, walks or other public places within the limits of the Town after 9:30 p. m. on the night of Halloween in any year hereafter. Any person violating this ordinance shall be fined in an amount of not less than Twenty-five Dollars (25.00) nor more than One Hundred Dollars (\$100.00).

AND, there be determined that an emergency exists, it is ordained that this ordinance shall be effective immediately.

A. T. Lowe

Mayor

Attest:

T. Hallett Badger
Clerk

April 20, 1976

AMENDMENT TO CATV ORDINANCE

At a meeting of the Onley Town Council held on April 20, 1976, upon motion duly made, seconded and unanimously passed, the cable television ordinance for the Town of Onley was amended as follows:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ONLEY

That the ordinance of the Town of Onley awarding a cable television franchise to Bayshore CATV, Inc., be, and the same hereby is, amended by increasing the maximum monthly charge provided in Section XIX for residential subscribers from Six Dollars (\$6.00) to Seven and 50/100 Dollars (\$7.50), and for outlets already installed from Seventy-five Cents (75¢) per television per month to One and 25/100 Dollars(\$1.25). The effective date of this amendment shall be May 1, 1976.

Approved: A. T. Lowe, Mayor

Attest: T. Hallett Badger, Clerk

June 2, 1976

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ONLEY,
ACCOMACK COUNTY, VIRGINIA, the following:

1. That it shall be unlawful for any person, firm, or corporation to park, or cause to be parked, any motor vehicle at any time on or along State Route 731 from State Route 789 to the corporate limits, and State Route 1605 from Route 731 to Route 1607.

2. Any person, firm or corporation violating the provisions of this ordinance shall be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00) for each offense.

3. It is hereby declared that an emergency exists and this ordinance should be effective immediately.

A. T. Lowe, Mayor

Attest:

T. Hallett Badger, Clerk

August 1, 1977

BE IT ORDAINED by the Council of the Town of Onley this 1st day of Aug., 1977, pursuant to Section 45.1-181.1 of the Code of Virginia of 1950, as amended, as follows:

1. PARKING

- A. That it shall be unlawful to park or stop any motor vehicle in or about the Four Corner Plaza Shopping Center Parking Lot in Onley, Virginia, in any place or area other than that designated and marked for parking of motor vehicles.
- B. Any person, firm or corporation violating or permitting the violation of this parking ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined Ten Dollars for each offense.
- C. That any police officer may issue a summons for a violation of this parking ordinance showing that the fine of Ten Dollars may be paid the Mayor of the Town of Onley within ten days of the date of each summons and that failure to so pay will result in a warrant being issued against the registered owner of subject vehicle. In any prosecution charging a violation of this parking ordinance, proof that the vehicle described in the summons or warrant was parked in violation of this ordinance, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.
- D. An emergency existing, this ordinance shall be in effect from the date hereof.

2. SPEED LIMITATION

- A. That it shall be unlawful to operate any motor vehicle in or about the Four Corner Plaza Shopping Center Parking Lot in Onley, Virginia, at a speed in excess of fifteen miles per hour.
- B. Any person, firm or corporation violating or permitting the violation of this speed limit ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars nor more than Fifty Dollars for each offense.

August 1, 1977 continued)

- C. An emergency existing, this ordinance shall be in effect from the date hereof.
- 3. Should any Section, Paragraph, Sentence, Clause or Phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of such ordinance shall not be affected thereby.

A. T. Lowe, Mayor

Attest: T. Hallett Badger, Clerk

April 11, 1978

Be it ordained by the Council of the Town of Onley, Accomack County, Virginia.

That pursuant to Section 18.1-340 of the Code of Virginia 1950, as amended, the Town of Onley recognizes the Onley Volunteer Fire and Rescue Departments as a part of the safety program of the town, and hereby grants permission to the Onley Volunteer Fire and Rescue Companies and the Ladies Auxiliary to conduct Bingo games and raffles in accordance with the aforementioned statute.

Approved: A. T. Lowe, Mayor

Attest: T. Hallett Badger, Clerk

June 26, 1978

Be it ordained by the Council of the Town of Onley, Accomack County, Virginia.

That pursuant to Section 18.1-340 of the Code of Virginia 1950, as amended, the Town of Onley received a request from Rev. Frank Rinaldi, O.S.F.S., on behalf of Saint Peter's Church in Onley, Virginia, to run a Bingo night once a week in the hall that was recently constructed by the Church. The plans are to use the proceeds from Bingo games for the operating expenses of the hall itself.

The Town of Onley hereby grants permission to the Saint Peter's Church to conduct Bingo games and raffles in accordance with the aforementioned statute.

Approved: A. T. Lowe, Mayor

Attest: T. Hallett Badger, Clerk

May 7, 1979

PARKING ORDINANCE

Be it ordained by the Council of the Town of Onley, Accomack County, Virginia, the following:

1. That it shall be unlawful for any person, firm or corporation to park, or cause to be parked, any motor vehicle at any time on or along Bank Street from its intersection with U. S. Route 13 By-Pass to its intersection with Route 179.

2. Any person, firm or corporation violating the provisions of this ordinance shall be fined not less than Five Dollars or more than Twenty-five Dollars for each offense.

(May 7, 1979 continued)

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3. It is hereby declared that an emergency exists and this ordinance shall be effective immediately.

Approved: A. T. Lowe, Mayor

Attest: T. Hallett Badger, Clerk

May 5, 1980

ONLEY BANK FRANCHISE TAX ORDINANCE

Section I. Definitions.

For the purposes of this ordinance, the following words shall have the meanings ascribed to them by this section:

- A. "Bank" shall be as defined in Section 58-485.01 of the Code of Virginia.
- B. "Net Capital" shall mean a bank's net capital computed pursuant to Section 58-485.07 of the Code of Virginia.

Section II. Imposition of Town of Onley Bank Franchise Tax.

- A. Pursuant to the provisions of Chapter 10.01 of Title 58 of the Code of Virginia, there is hereby imposed upon each bank located within the corporate limits of the Town of Onley, Virginia, a tax on net capital equalling eighty (80) percentum of the state rate of franchise tax set forth in Section 58-485.06 of the Code of Virginia.
- B. In the event that any bank located within the corporate limits of the Town of Onley, Virginia, is not the principal office but is a branch extension or affiliate of the principal office, the tax upon such branch shall be apportioned as provided by Section 58-485.012 of the Code of Virginia.

Section III. Filing of Return and Payment of Tax.

- A. On or after the first day of January of each year, but not later than March 1 of any year, all banks whose principal offices are located within the corporate limits of the Town of Onley, Virginia, shall prepare and file with the Commissioner of the Revenue (or comparable local assessing officer) a return as provided by Section 58-485.013 of the Code of Virginia in duplicate which shall set forth the tax on net capital computed pursuant to Chapter 10.01 of Title 58 of the Code of Virginia. The Commissioner of the Revenue (or comparable assessing officer) shall certify a copy of such filing of the bank's return and schedules and shall forthwith transmit such certified copy to the State Department of Taxation.
- B. In the event that the principal office of a bank is located outside the corporate limits of the Town of Onley, Virginia, and such bank has branch offices located within said corporate limits, in addition to the filing requirements set forth in Section A hereof, any bank conducting such branch

(May 5, 1980 continued)

business shall file with the Commissioner of the Revenue or appropriate assessing officer of this county a copy of the real estate deduction schedule, apportionment and other items which are required by Sections 58-485.012, 58-485.013, and 58-485.014 of the Code of Virginia.

- C. Each bank, on or before the first day of June of each year, shall pay into the treasurer's office (or other appropriate official) of the Town of Onley all taxes imposed pursuant to this ordinance.

Section IV. Effective Date of Ordinance.

The provisions of this ordinance shall be effective for the year beginning January 1, 1980.

Section V. Penalty upon bank for failure to comply with ordinance.

Any bank which shall fail or neglect to comply with any provision of this ordinance shall be fined not less than One Hundred nor more than Five Hundred Dollars, which fine shall be recovered upon motion, after five days' notice in the Circuit Court of this County. The motion shall be in the name of the Town of Onley and shall be presented by the attorney for the Town of Onley of this locality.

Section VI. Repeal of Existing Bank Stock Tax Ordinances

That the current existing Onley Bank Stock Tax Ordinance passed pursuant to the provisions of Chapter 10 of Title 58 of the Code of Virginia of 1950, as amended is hereby repealed, provided however, that in the event this Ordinance or Chapter 10.01 of Title 58 is declared unconstitutional or invalid for the tax year 1980, then said repeal shall not be effective until on or about January 1, 1981.

Section VII.

That this Ordinance shall be subject to and in accordance with the provisions of Chapter 10.01 of Title 58 of the Code of Virginia of 1950; as amended and the tax imposed hereby shall be assessed and collectable in accordance therewith.

Attest: T. Hallett Badger, Clerk

Approved: A. T. Lowe, Mayor

February 2, 1981

TRASH, WEED, ETC., ORDINANCE FOR THE TOWN OF ONLEY, VIRGINIA

Be it ordained by the Town Council for the Town of Onley, Virginia, pursuant to Section 15.1-11 of the Code of Virginia of 1950, as amended,

1. That the owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety

(February 2, 1981 continued)

of other residents of such town; or the governing body may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the town, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the town as taxes and levies are collected.

2. That the owners of vacant property therein shall cut the grass, weeds and other foreign growth on such property or any part thereof at such time or times as the governing body shall prescribe; or the governing body may, whenever the governing body deems it necessary, after reasonable notice, have such grass, weeds, or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes and levies are collected.

3. That every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

Approved: A. T. Lowe, Mayor

Attest: T. Hallett Badger, Clerk

March 2, 1981

Be it ordained by the Town Council of the Town of Onley, Accomack County, Virginia.

It appearing that the monthly service charge to residential subscribers set out in Section XIX of the Ordinance adopted November 12, 1969, as amended, granting a franchise to Bayshore CATV are insufficient, it is ordered that the maximum monthly charges to residential subscribers be raised from \$7.50 to \$8.50, and for additional outlets already installed from \$1.25 per TV per month to \$1.50.

It is further ordered that this amendment shall be effective June 1, 1981.

Approved: A. T. Lowe, Mayor

Attest: T. Hallett Badger, Clerk

March 2, 1981

TOWN LICENSE ORDINANCE FOR THE TOWN OF ONLEY, VIRGINIA

Be it ordained by the Town Council for the Town of Onley, Virginia, that pursuant to Title 46, Chapter 3, Article 1 of the Code of Virginia of 1950, as amended, an annual license fee and tax of Five Dollars (\$5.00) is hereby levied upon each motor vehicle, trailer or semitrailer which is normally

(March 2, 1981 continued)

garaged, parked or stored in the Town of Onley, Virginia, with the exception of those motor vehicles, trailers, or semitrailers specifically exempted from the imposition of such tax or license fee by the provisions of Section 46.1-66 of Title 46, Chapter 3, Article 1 of the Code of Virginia of 1950 as amended.

Section I. License Year and License Fee

For the purpose of this Ordinance, the license year shall extend from the first day of April, 1981, to the thirty-first day of March, 1982, for the first taxable year and thereafter from the first day of April to the thirty-first day of March of the next succeeding calendar year; and the license fee and tax levied hereunder shall be paid not later than the fifteenth day of April in each license year except that the license fee and tax on any such motor vehicle, trailer or semitrailer acquired after the first day of October in any license year shall be one-half of the amount of the annual license fee and tax levied hereunder and the license fee and tax on any such motor vehicle, trailer or semitrailer acquired after the fifteenth day of January in any license year shall be One Dollar and ~~Sixty~~ *fifty* Cents (\$1.~~60~~).

Section II. Non-Transfer Provision

The license acquired pursuant to the provisions of this Ordinance shall not be transferable to a motor vehicle, trailer or semitrailer other than the motor vehicle, trailer or semitrailer for which the license was purchased. Upon disposition of any motor vehicle, trailer or semitrailer, the owner must submit the old license and shall be issued a duplicate license for a fee of Fifty Cents (50¢).

Section III. Display of License

License required pursuant to the provisions of this Ordinance shall be displayed in accordance with the regulations of the Virginia Division of Motor Vehicles.

Section IV. Revenue for General Purposes

Revenue derived from the license fee and tax levied hereunder shall be used for general purposes and credited to the General Revenue Fund.

Section V. Payment of Personal Property Tax

No motor vehicle, trailer or semitrailer required to be licensed under the provisions of this Ordinance shall be issued a Town license unless or until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon said motor vehicle, trailer or semitrailer to be licensed have been paid which have been properly assessed or are assessable against the applicant by the Town of Onley.

Section VI. Penalty

Any person who shall fail or refuse to purchase a Town license as provided by this Ordinance or who shall fail or refuse to display same as required

(March 2, 1981 continued)

by this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred and Fifty Dollars (\$250.00) for each offense.

Section VII. Conflict with Other Ordinances

All Ordinances or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed.

Section VIII. Effective Date

The effective date of this Ordinance shall be April 1, 1981.

Approved: A. T. Lowe, Mayor

Attest: T. Hallett Badger, Clerk

APRIL 5, 1982
ORDINANCE PURSUANT TO
§15.1-11.2 CODE OF VIRGINIA

UNSAFE BUILDING ORDINANCE

WHEREAS, buildings and structures may from time to time become unsafe or unfit for human habitation, and thus present a danger to the health, safety and general welfare of citizens of the Town of Onley.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Onley, Virginia, that the following regulations shall apply to buildings and structures which are or hereafter may be determined to be unsafe under the terms of this Ordinance, notwithstanding that buildings and structures erected after the enactment of the Uniform Statewide Building Code shall be regulated under the provisions of that Code, except that if the construction of such buildings or structures were exempt from that Code then the provisions of this Ordinance shall apply.

SECTION I - All buildings or structures that are or hereafter shall become unsafe, unsanitary or deficient in adequate exitway facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe buildings shall be taken down and removed or made safe and secure, as the Town Building and Zoning Administrator may deem necessary and as provided in this Ordinance. A vacant building, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this Ordinance.

SECTION II - Whenever the Town Building and Zoning Administrator shall find any building or structure or portion thereof to be unsafe, he shall give the owner, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements or to demolish or remove the building or structure or portion thereof. Such notice shall require the person thus notified to immediately declare to the Town Building and Zoning Administrator his acceptance or rejection of the terms of the order. In the event no such person can be found within the Town, then such notice shall be sent by registered or certified mail to the owner of such real estate, as shown on the Town tax records, or in the event the property is not assessed for taxation, to the last known address of the owner, agent or person in control of such building or structure, and a copy of such notice shall be posted in a conspicuous place on the premises, and such procedure shall be deemed equivalent of personal notice.

SECTION III - 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 Town Building and Zoning Administrator. The Town Building and Zoning Administrator shall cause to be posted at each entrance to such building a notice: "This building is unsafe and its use or occupancy has been prohibited by the Town Building and Zoning Administrator". Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents, or other servants, to remove such notice without written permission of the Town Building and Zoning Administrator, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

SECTION IV - The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the Town Building and Zoning Administrator, as provided hereinafter and to appear before the Building Board of Appeals of the Town at a specified time and place to show cause why he should not comply with said notice. Such appeal shall be made within thirty (30) days of receipt of notice required by this Ordinance, or within thirty (30) days of the mailing of such notice in the event such person cannot be found by notification to the Town Building and Zoning Administrator in writing.

SECTION V - 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 notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the Town Building and Zoning Administrator, after having ascertained the cost, shall cause such building or structure or portion thereof to be demolished, secured or required to remain vacant.

SECTION VI - The decision of the Town Building and Zoning Administrator shall be final in cases of emergency which, in his opinion, involve imminent danger to human life or health. He shall promptly cause such 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 advisable. He may vacate adjacent structures and protect the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

SECTION VII- Any costs or expenses in connection with the enforcement of this Ordinance shall be the responsibility of the owner of such real estate, and any portion which shall have been billed to such owner and which remains unpaid after having been billed for thirty (30) days shall constitute a lien against such real estate and may be collected by the Town in the same manner as real estate taxes are collected. A bill mailed to the last mailing address of the owner shall constitute billing for purposes of this Section.

SECTION VIII - Should any Section or provision of this Ordinance be found unconstitutional or declared invalid by the Courts, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

This Ordinance shall become effective on April 5, 1982.

Signed:

Mayor

Attest:

Shirley Anderson
Executive Secretary