



CLASSIFICATION OF MISDEMEANORS

ORDINANCE No. 004-16

At the Regular Meeting of the Town Council of the Town of Onley held on October 3, 2016, the following Ordinance was unanimously adopted:

The Provisions hereof, as adopted shall be effective October 3, 2016. As of the effective date hereof, said adoption shall replace all Ordinances dealing with the same subject matter previously adopted.

(a) Misdemeanors are classified, for the purposes of punishment and sentencing, into four classes:

1. Class 1 Misdemeanor
2. Class 2 Misdemeanor
3. Class 3 Misdemeanor
4. Class 4 Misdemeanor

(b) Whenever in an ordinance of the Town it is provided that a violation of any provision thereof shall constitute a Class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as follows:

1. For Class 1 misdemeanors, confinement in jail for not more than twelve months and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), either or both;

2. For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than One Thousand Dollars (\$1,000.00), either or both;

3. For Class 3 misdemeanors, a fine of not more than Five Hundred Dollars (\$500.00);
and

4. For Class 4 misdemeanors, a fine of not more than Two Hundred Fifty Dollars (\$250.00).

(c) Whenever in any provision of any ordinance of the Town any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a Class 1 misdemeanor and be punished as prescribed in subsection (b)(1) above, except where otherwise provided.

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

State law reference— Classification of misdemeanors and punishment therefor, Code of Virginia, §§ 18.2-9, 18.2-11; authority of city to provide penalties for violation of ordinances,

Code of Virginia, § 15.1-901; authority of court trying case, upon conviction, to require bond conditioned that the person convicted will not violate the ordinance for the breach of which he was convicted for a period of not more than one year, Code of Virginia, § 15.1-902; injunctive relief for continuing violations of ordinances, Code of Virginia, § 15.1-905.



Jack Pierson, Mayor

Attest:

Jamye Salazar, Clerk/Treasurer

I certify that the foregoing is a true copy of an ordinance adopted on October 3, 2016 by the Onley Town Council.



Jamye Salazar, Clerk/Treasurer

Dize yes

Hart yes

Finney yes

Rillo yes

Zember yes

Bliss yes

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