

CHAPTER 1
GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

SEC. 1-1. HOW CODE DESIGNATED AND CITED

The ordinances embraced in this and the following chapters and sections shall constitute and be designated “The Code of the County of Pittsylvania, Virginia, 1976” and may be so cited. Such ordinances may also be cited as “Pittsylvania County Code of 1976.”

SEC.1-2. PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES

The provisions appearing in this Code, so far as they are the same as those contained in the Board of Supervisors Minute books shall be considered as continuations thereof and not as new enactments.

SEC. 1-3. SEVERABILITY OF PARTS OF CODE

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

SEC. 1-4. CATCHLINESS OF SECTIONS

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

SEC. 1-5. RULES OF CONSTRUCTION

In the construction of this Code and of all ordinances the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of Supervisors:

Board. The word “board” shall be construed to mean “The Board of Supervisors of the County of Pittsylvania”.

Computation of Time. Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

County. The words “County” or “the County” shall mean the County of Pittsylvania in the State of Virginia.

Gender. A word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; a word imparting the plural number only may extend and be applied to one person or thing; as well as to several persons or things.

Person. The word “person” may extend and be applied to associations, firms, partnerships, and bodies political and corporate as well as to individuals.

State. The word “state” shall be construed as if the words “of Virginia” followed it.

SEC. 1-6. GENERAL PENALTY: CONTINUING VIOLATION

Wherever in this Code, or in any ordinance or resolution of the county, or rule or regulation or order promulgated by any officer or agency of the county under authority duly vested in him or if any act is prohibited or is declared to be unlawful or a misdemeanor of the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or of any such ordinance, resolution, rule, regulation, or order shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding twelve months, or both. Each day any violation of this Code or any such ordinance, resolution, rule, regulation or order shall continue, shall constitute, except where otherwise provided, a separate offense.

SEC. 1-7. COUNTY SEAL

The corporate seal of the county shall be circular in form, one and seven-eighths inches in diameter, with the words "Seal of Pittsylvania County Virginia" and "1767" appearing on the circumference with a design in the center depicting the American bald eagle. No other seal shall be used for the county and no paper issued by municipal authority, which requires the seal of the county shall be valid unless the seal described herein, shall be duly affixed thereto, attested by the county clerk. The clerk shall be the custodian of the county seal. An imprint of the seal is hereby approved and adopted is attached to the original draft of this ordinance. This ordinance shall become effective on _____ and all other ordinances or parts of ordinances in conflict herewith are hereby repealed on January 1, 1975.

SEC. 1-8. JOINT EXERCISE OF POWERS

The Board of Supervisors of Pittsylvania County may enter into an intergovernmental agreement where two or more political subdivisions share joint action pursuant to the authority of Chapter 13, Section 15.2-1300, Code of Virginia, 1950, as amended, provided that all requirements of Section 15.2-1300 are met and the document is identified herein.

- (a) Agreement between Pittsylvania County, Virginia, the Pittsylvania County Industrial Development Authority, and the Pittsylvania Economic Development Organization, February 18, 1986.
- (b) Agreement entitled "Tri-County Lake Administrative Commission" between the Pittsylvania County, Virginia, Franklin County, Virginia and Bedford County, Virginia, October 2, 2000.
- (c) Agreement entitled "Regional Industrial Facility Authority" for Cost sharing and Revenue sharing between the City of Danville, Virginia, and Pittsylvania County, Virginia, October 1, 2001.
- (d) Agreement entitled "Joint Powers Association Agreement" Virginia Energy Purchasing Governmental Association.
- (e) Agreement entitled "Joint Exercise of Powers Agreement for Broadband Internet Services" between the Pittsylvania County, City of Danville, Danville Public Schools, and Pittsylvania County Schools. **(B.S.M. 05-18-04)**
- (f) Agreement entitled "Boundary Adjustment – Town of Hurt" between Pittsylvania County and the Town of Hurt. **(B.S.M.02-04-08)**

SEC. 1-8. 1. JOINT POWERS ASSOCIATION AGEEMENT – VIRGINIA ENERGY PURCHASING

Governmental Association

WHEREAS, The VML/VACO Virginia Power Steering Committee (the “Committee), composed of representatives of the Pittsylvania County Board of Supervisors and other local governments and political subdivisions of the Commonwealth of, has for over several decades negotiated on behalf of such governmental units a standard form contract for their purchase of electricity supply and delivery service from Virginia Electric and Power Company (“Virginia Power”) as a sole source provider; and

WHEREAS, political subdivisions of the Commonwealth of Virginia are authorized under Virginia law to exercise jointly powers that they otherwise are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Sections 15.2-1300, et seq. of the Virginia Code (the “Joint Powers Act); and

WHEREAS, the Virginia Electric Utility Restructuring Act (the “Restructuring Act”) further authorizes municipalities and other political subdivisions in Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, and the Restructuring Act provides that such aggregation shall not require licensure; and

WHEREAS, the Virginia Public Procurement Act (the “Procurement Act”) exempts from its competitive sealed bidding and competitive negotiation requirements (the “Requirements”) the joint procurement by public bodies, utilizing competitive principles, of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and

WHEREAS, the committee recommends that the aggregation and procurement of electric supply, electric delivery, and other energy-related services (“Energy Services”) be effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and made part of this Ordinance (the “Joint Powers Agreement”), in accordance with applicable provisions of the Procurement Act, such as the utilization of competitive principles pursuant to an exemptions from the Requirements; and

WHEREAS, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers Agreement, with such services consisting of (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities, (ii) education of members regarding electricity procurement issues, (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to local governments, and (iv) hiring of consultants and legal counsel to assist in its provisions of the foregoing services (“Steering Committee Services”)

WHEREAS, it appearing to the Board of Supervisors of Pittsylvania County that the joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of Pittsylvania County.

NOW, THEREFORE, BE IT RESOLVED that:

- (1) Competitive sealed bidding and competitive negotiation for the procurement of Energy Services are not fiscally advantageous to the public because the procurement process for Energy Services must be flexible enough to respond to quickly changing market conditions in which energy process can fluctuate considerably on a daily or even hourly basis.
- (2) The aggregation and joint procurement of the Energy Services pursuant to the Joint Powers Agreement is hereby approved.
- (3) The provision of Steering Committee Services pursuant to the Joint Powers Agreement is hereby approved.
- (4) The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of Pittsylvania County are hereby authorized and approved.
- (5) The County Administrator is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of the Pittsylvania County Board of Supervisors in substantially the form presented to this meeting.
- (6) The payment obligations of Pittsylvania County pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds therefore by the Board of Supervisors.
- (7) This Ordinance shall take effect immediately upon its adoption or passage.

Adopted by the Pittsylvania County Board of Supervisors on April 5, 2004.

Amended by the Board of Supervisors on May 18, 2004.

Amended by the Board of Supervisors on February 4, 2008.