

ARTICLE II - INTERPRETATION, ADMINISTRATION AND SCOPE

2-1 INTERPRETATION:

In the interpretation and application of the provisions of this Ordinance the same shall be held to be the minimum requirements for the general purpose of promoting the health, safety, and general welfare of the public and of further accomplishing the objectives of [Chapter 22. Planning, Subdivision of Land and Zoning](#) of the Code of Virginia, as amended. To these ends the provisions of this Ordinance are intended for the following purposes;

- 2-1.1 To provide for adequate light, air, convenience of access and safety from fire, flood, and other dangers;
- 2-1.2 To reduce or prevent congestion in the public streets;
- 2-1.3 To facilitate the creation of convenient, attractive, and harmonious community;
- 2-1.4 To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- 2-1.5 To protect against destruction of or encroachment upon historic areas;
- 2-1.6 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;
- 2-1.7 To encourage economic development activities that provide desirable employment and enlarge the tax base.

2-2 RULES FOR DETERMINING DISTRICT BOUNDARY LINES:

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 districts as shown on the zoning map, the following rules shall apply:

- 2-2.1 When 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 line, or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.

2-2.2 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.

2-2.3 If no distance, angle, curvature description or other means is given to determine a boundary line accurately, the same shall be determined by the use of the scale shown on said zoning map, and in case of dispute in the use thereof, the determination of a certified land surveyor or engineer shall be final.

2-3 PROPERTY COMING INTO TOWN AFTER ADOPTION OF ORDINANCE:

This Ordinance shall apply to any property coming into the territorial jurisdiction of the Town of Wytheville by annexation or otherwise, pending an orderly amendment of the Ordinance.

2-4 FORMATION OF DEVELOPMENT PLAN:

The zoning administrator may require the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with the regulations contained in this ordinance.

2-5 ADMINISTRATION:

This Ordinance shall be enforced by the administrator who shall be appointed by Town Council. The administrator shall serve at the pleasure of Town Council. The Town Manager may be appointed as such administrator.

2-6 SCOPE:

It is not intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract, covenant or deed, the provisions of this Ordinance shall control.

2-7 ENFORCEMENT OF ORDINANCE:

The zoning administrator shall have all necessary authority on behalf of the Council of the Town of Wytheville to administer and enforce this Ordinance, including the ordering in writing of the remedying of any condition found in violation of the Ordinance, and the bringing of legal action to insure compliance with the Ordinance, including injunction, abatement, or other appropriate action or proceeding.

2-8 TOWN EMPLOYEES TO COMPLY WITH ORDINANCE:

All departments, officials, and public employees of the Town of Wytheville who or which are vested with the duty or authority to issue permits of 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 hereof, shall be null and void.

2-9 PENALTY FOR VIOLATION:

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating, causing, or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor or criminal misdemeanor as defined in State Code Section [§ 15.2-2209](#) as may be amended. Violation of any provision of this ordinance shall be punishable by a fine of not more than two hundred dollars (\$200.00) for the initial summons and not more than five hundred dollars (\$500.00) for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.00.⁷⁴

2-10 COLLECTION OF FEES:

Subject to approval by Town Council, the zoning administrator may establish and make provision for the collection of fees to cover the costs of making inspections, issuing permits, advertising notices, and other expenses incident to the administration of this Ordinance or for the filing or processing of any appeal or amendment thereof.

2-11 AMENDMENTS:

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the regulations, district boundaries, zoning map, classifications and other provisions of this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by an affirmative vote of at least a majority of the members of Town Council. The notices, referral to the Planning Commission, and other procedures shall be in accordance with the provisions of Sections [§ 15.2-2204](#) and [§ 15.2-2285](#) of the Code of Virginia, or other applicable statutes of the Commonwealth of Virginia, as the same may from time to time be amended.

2-12 SEVERABILITY:

If any section, subsection, paragraph, clause, or phrase of this Ordinance shall be declared to be invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end, the provisions of this Ordinance are hereby declared to be severable.

2-13 EFFECTIVE DATE OF ORDINANCE:

This Ordinance shall be effective at and after 12:01 A.M. on the 15th day of July 1969; and Ordinance No. 433 of the Town of Wytheville and any other ordinance, or parts of ordinance, or parts of ordinances, in conflict herewith are hereby repealed as of said date and hour.

