

## CHAPTER 7.

## FINES, IMPRISONMENT AND POLICE JUSTICE.

Article I. In General.

- § 7-1. General penalty; continuing violations.
- § 7-2. Use of county jail.

Article II. Police Justice.

- § 7-3. Reserved.
- § 7-3.1. Reserved.
- § 7-4. Payment of costs of warrant, etc.
- § 7-5. Requiring prisoners to work.
- § 7-6. Suspension of sentences.

Article III. Bail.

- § 7-7. Giving of personal recognizance or deposit authorized.
- § 7-8. Receipts; delivery of cash to court.
- § 7-9. Disposition of deposit upon default, etc.

Article I. In General.Sec. 7-1. General penalty; continuing violations.

Wherever in this Code, or in any ordinance or resolution of the municipality, or rule or regulation or order promulgated by any officer or agency of the municipality under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or a 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, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation or order shall be punished by a fine of not more than five hundred dollars or by imprisonment for a period of not exceeding twelve months, or by both such fine and imprisonment. Each day any violation of this Code, or any such ordinance, resolution, rule, regulation or order continues shall constitute a separate offense. (For state law as to authority of municipal corporation to provide penalty for violation of ordinances, see Code of Va., §15.1-901.)

For state law as to 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, see Code of Va., §15.1-902. For state law as to authority of municipal corporation to require prisoners to work, see Code of Va., § 15.1-904, and for provisions for appeal, see Code of Va., § 15.1-903.

Sec. 7-2. Use of county jail.

The county jail may be used as the municipal jail.  
(For state law as to when jail for county to be jail for town,  
see Code of Va., § 53-138.)

Article II. Police Justice.

(For charter provision as to police court, see Char.,  
§§ 19 through 24, but note changes thereto made by the 1973 Court  
Reorganization provisions of section 16.1-69.1 et seq.)

Sec. 7-3. Reserved.

Sec. 7-3.1 Reserved.

Sec. 7-4. Payment of costs of warrant, etc.

In all cases of violation of the provisions of this  
Code and other ordinances of the municipality, the person found  
guilty shall in addition to the fine, pay the costs of the warrant  
of arrest and commitment, which shall in all cases be paid into  
the treasury of the municipality pursuant to Section 16.1-69.48  
of the Code of Virginia.

Sec. 7-5. Requiring prisoners to work.

All able-bodied persons sentenced to confinement in a  
penal or correctional institution shall, in the discretion of the  
judge, be required to work in such institution or elsewhere in  
the municipal service, but such persons shall not be deemed to  
be employees or agents of the municipality while engaged in such  
work. (For state law as to imprisonment for nonpayment of fines,  
see Code of Va., § 15.1-903. For state law authorizing munici-  
palities to require able-bodied persons sentenced to penal, etc.,  
institutions to work, see Code of Va., § 15.1-904.)

Sec. 7-6. Suspension of sentences.

Upon the conviction of any person for violation of any  
provision of this Code or any other ordinances of the municipal-  
ity, the district court judge may, in his discretion, suspend the  
sentence during good behavior of the person convicted, upon such  
terms and conditions as the judge may deem necessary.

Article III. Bail.

For state law as to bonds of persons convicted for  
violation of ordinance of municipal corporation, see Code of  
Va., § 15.1-902.

Sec. 7-7. Giving of personal recognizance or deposit authorized.

When a person charged with a violation of any provision of this Code or other ordinance of the municipality is admitted to bail by the judge or the issuing justices for the municipality or an officer authorized by law so to do for his appearance before a court having jurisdiction of the case for a hearing thereon, he may, instead of entering into a recognizance with surety, give his personal recognizance and deposit, or cause to be deposited for him, in cash, the amount of bail he is required to furnish with such court or officer.

Sec. 7-8. Receipts; delivery of cash to court.

Upon the giving of personal recognizance and deposit, as provided in section 7-7, the court or officer receiving the same shall give to the person whose funds are so deposited an official receipt therefor. In order that the court, issuing justice or officer in question may be able to give such official receipt, it shall be the duty of the municipality to provide all such officers with official prenumbered receipt books in triplicate, consisting of an original and two carbon copies. The original receipt shall go to the person whose funds are deposited. The first carbon copy shall go to the court before which the person recognized is to appear and the second shall remain in the receipt book. The issuing justice or other officer with whom cash was so deposited shall deliver the same, along with the first carbon copy of the receipt, to the court before which the person recognized is to appear, or to the clerk of such court, if authorized by law to receive the same, who shall give him an official receipt therefor.

Sec. 7-9. Disposition of deposit upon default, etc.

If there be no default in the observation of the conditions of the recognizance given under the preceding sections of this article, or if there be default and it be a case which may be tried in the absence of the defendant, and he is so tried, and if, upon the trial of the case, the defendant be found not guilty, the money deposited under the preceding sections of this article shall be refunded to the person making such deposit, or upon his order. If, however, the defendant be found guilty, the court trying the case shall apply the money or so much thereof as may be necessary to the payment of such fine and costs as may be adjudged against the defendant and the residue thereof, if any, shall be paid over to the person making such deposit, or upon his order; provided, that if there be an appeal from the judgment of the court trying any such case, the money so deposited shall be paid over by such court to the clerk of the court to which such an appeal is taken. If there be default in any such recognizance, and if the case be not tried in the absence of the defendant and the money deposited as hereinabove provided for, the forfeiture shall be noted of record and proceedings had thereon as provided by law, and the money so deposited shall be held subject to the order of the court upon the final disposition of such proceeding.