

BELLE HAVEN, TOWN OF
County of Accomack.

Incorporated 1895-6, c. 9.

Amended 1901-2, c. 685 (§§ 3, 8, 9, 16 [repealed])
 1926, c. 364 (§ 13).

§ 1. Be it enacted by the general assembly of Virginia, That the settlement of Belle Haven, in Accomac county, as the same is now, and shall hereafter be, laid off into lots, squares, streets, and alleys, be, and the same is hereby, made a town corporate by the name of Belle Haven, and by that name shall have and exercise all the powers conferred on towns of less than five thousand inhabitants by the code of Virginia, and to all laws now in force, or which may hereafter be enacted, in reference to towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1895, c. 9)

§ 2. The limits of said town shall be as follows: Beginning at Occohannock creek and running east along the line dividing the farm of H. F. Killman and the farm known as Whitehaven to the main county road; continuing in same direction along the line dividing the lands of William E. Brickhouse and S. S. Kellam to a large pine tree, turning thence at right angles and running south in a direct line to and continuing along a ditch, on the east edge of the lands known as the King field, to a hickory tree on the corner of the lands belonging to N. A. Smith; from thence continuing in a southeastwardly direction to and crossing the boundary between Accomac and Northampton counties to a large pine on the south edge of the farm of James A. Smith, then turning in a westwardly direction and following the dividing line between the lands of the above-named James A. Smith and William J. Mapp to the main county road, turning northwardly and continuing along above-named road to and following in a westwardly and northwestwardly direction, respectively, the lands belonging to John H. Ashby to the branch forming the boundary line between Accomac and Northampton counties, following said branch to Occohannock creek, continuing along north and east edge of said creek to the point of beginning. (1895, c. 9)

§ 3. The government of said town shall be vested in a mayor, recorder, five councilmen, and such other officers as may be provided for by the mayor and council. The mayor, recorder, and councilmen shall have and exercise all the powers hereinafter granted to said officers, and shall continue in office until the first day of July, 1895, and thereafter until their successors shall be elected and qualified according to law, a majority of whom shall constitute a quorum for the transaction of business. The mayor, recorder, and councilmen shall compose the town council. (1895, c. 9; 1901-2, c. 685)

§ 4. The election for mayor, recorder and councilmen shall be held on the fourth Thursday in May, 1896, and on the fourth Thursday in May in every second year thereafter. Such election shall be held at a designated place in the said town, and conducted under the supervision of three commissioners appointed by the council for the purpose. Within two days after any election has been held under this act, the commissioners who conducted the same shall certify the names of the persons elected to the clerk of the county court of Accomac county, and to the officers elected, which certificate shall be entered among the records of said county and corporation. (1895, c. 9)

§ 5. In all elections for the officers of this corporation, all persons who are by the laws of this state entitled to vote for members of the general assembly, and who shall have resided in the said town for three months next preceding the day of election then to be held, shall be entitled to vote. (1895, c. 9)

§ 6. The persons to be elected under the provisions of this act shall be inhabitants of said town; and it shall be their duty, on or before the first day of July next after their election, to take and subscribe the oaths required by law to be taken by county and district officers before a justice of the peace or a notary public of Accomac or Northampton counties, and they shall enter upon the discharge of their duties as such officers on the first day of July next after their election, and hold office for a term of two years and until their successors are elected or appointed and qualified. The oaths taken and subscribed under this section shall be filed with the records of said town. (1895, c. 9)

§ 7. When from any cause a vacancy may occur in the office of mayor, recorder or councilmen, the town council shall, by a vote of a majority of such as remain, fill such vacancies from the citizens of the town eligible to the office under this act. (1895, c. 9)

§ 8. The mayor of said town shall take care that the ordinances, resolutions, and by-laws of the town council are faithfully executed. He shall be ex-officio a conservator of the peace within the said town, and shall within the same exercise all the powers and duties vested by law in justices of the peace. He shall have power to render judgment and issue executions in all matters wherein he has jurisdiction by reason of the authority vested in him under this act, and in all matters where it may be necessary to carry into effect the purposes of this act, said town authorities shall have the right to use the jail of Accomac county for that purpose. (1895, c. 9; 1901-2, c. 685)

§ 9. The mayor, recorder, and any two councilmen, or the mayor or recorder and any three councilmen, or in the absence of both the mayor and recorder, any four councilmen shall constitute a quorum to do business. The mayor shall preside at the meetings of the council. In his absence the council shall select one of their number to preside, and the proceedings shall be signed by the person presiding. If at any meeting the recorder be absent, the person presiding shall appoint some other person to discharge the duties of the recorder for that meeting. (1895, c. 9; 1901-2, c. 685)

§ 10. The town council shall cause to be kept in a journal an accurate record of all its proceedings, which shall be open to the inspection of any person residing in said town. The mayor and recorder shall have votes as members of said council, and the person presiding at the time of any tie vote shall have the casting vote.

The recorder shall attend all meetings of the council, keep a journal of its proceedings, have charge of and preserve the records of the town, and perform such other duties as the council may prescribe. (1895, c. 9)

§ 11. It shall be the duty of the town council, at their first meeting after their appointment or election, or as soon thereafter as practicable, to appoint a sergeant, who shall hold his office during the term of the council which elected him and until his successor is duly elected and qualified, and who shall, within the limits of said town and two miles beyond said limits, have the powers and be subject to all the laws applicable to constables by the laws of this state and not inconsistent with the provisions of this act.

The town council shall require of said sergeant a bond in such penalty and with such conditions and such sureties as it may prescribe, which bond shall be filed with the records of said town and a copy thereof, certified by the mayor, recorded in the bond-

books of the county court of Accomac county; and said sergeant shall take and subscribe the oaths required by law of county and district officers, and execute the bond required by the town council before entering upon the duties of his office. (1895, c. 9)

§ 12. It shall be lawful for said council to make and pass orders, by-laws, ordinances, and resolutions for the government of said town, so the same be not contrary to the laws and constitution of this state and of the United States; and for the violation of the same to prescribe reasonable fines, but in no case to exceed fifty dollars. (1895, c. 9)

§ 13. To meet any expenditures that may be necessary and chargeable to said town for any purpose, the town council may, at such times as it may seem proper, levy a town levy of so much as in its opinion may be necessary upon all persons and property in said town not exempt from taxation by the laws of this state; provided, that a capitation tax not greater than one dollar per head on all male and female inhabitants of said town over the age of twenty-one years shall be levied in any one year; and provided, further, that the tax levies on all property shall not exceed one dollar on every hundred dollars of the assessed value of the property in the town in any one year; provided, however, that said council, by a two-thirds vote of the entire council, may exempt any real or personal estate used for manufacturing purposes, or other enterprises, from all municipal taxes for a period of not exceeding five years at a time, if it shall deem it expedient to do so, in order to encourage the establishment of any enterprise in said town. (1895, c. 9; 1926, c. 364)

§ 14. The town sergeant shall have power to collect the town taxes, fines, and levies, and one month after the time he shall have received the book of the assessor of said town to distrain and sell therefor in like manner, as now provided by law for the collection of state taxes, and shall have the same powers as constables and county treasurers to enforce the collection and payment of such taxes, fines, and levies and executions issued by the mayor in civil causes; and such sergeant may at any time be removed by said council for any neglect or default in duty or for failure to properly account for any money in his hands, as the council may direct. (1895, c. 9)

§ 15. There shall be a lien on all real estate for town taxes and levies assessed thereon from the commencement of the year from which they are assessed, and the town council may order and require real estate within said corporate limits, delinquent for the nonpayment of town taxes thereon, to be rented or sold by the sergeant at public auction, and at some public place in said town, for the arrears, with interest, with such a per centum as said council may prescribe for all costs and charges, and the surplus, if any, shall be paid to the person entitled thereto; but before offering such delinquent real estate for sale or rent, the time, terms, and place of sale, the amount due thereon, and person in whose name the same is charged, shall be advertised by posting notices at the front door of the court-house of Accomac county and at three or more public places in said town for at least thirty days. Said council shall fix a time within which such property may be redeemed by any person who has an interest in such property, or as creditor for such person; and if there be a failure to redeem within the time prescribed by said council, the recorder of said town shall make conveyance of the real estate so sold in the manner as now provided by law for conveyance by clerks of courts of lands sold for taxes, and such conveyance shall operate to pass whatever title the party charged had in such property. The lien for town taxes and levies and any conveyance under this section shall be subject to the lien of any state and county taxes and all prior liens of every kind belonging to any

individual, firm, or corporation, due on the real estate upon which such lien is, or which may have been, so conveyed. (1895, c. 9)

§ 16. (1895, c. 9; repealed, 1901-2, c. 685)

§ 17. The county courts of Accomac or Northampton, or the circuit court of the eighth district, shall in no case grant license to any person for the sale of liquors, wines, beer or other alcoholic stimulants within the corporate limits of said town, or within one mile of same, unless such person shall present a certificate from said town council certifying that such person is a suitable person for the business, and that the place where such business is proposed to be conducted is suitable, convenient and appropriate. (1895, c. 9)

§ 18. The persons named in § 3 of this act shall, immediately after their appointment hereunder, take the oath of office required by § 6 of this act; and if any fail to so qualify, those who do so qualify shall appoint other inhabitants from said town in their room and stead. (1895, c. 9)

§ 19. The town council may levy a tax on or license to agents of insurance companies; to theatrical or other performances or shows; to keepers of billiards or pool tables of ten-pin alleys; to other persons engaging in any other business for which a license may be required by the laws of the state. (1895, c. 9)

§ 20. This act shall be in force from its passage. (1895, c. 9)