

CLINCHPORT, TOWN OF
County of Scott.

Incorporation and charter, 1894, c. 543; repealed 1915, c. 92.

Charter, 1940, c. 210.

Amended 1975, c. 154 (§§ 3, 6, 7, 11).

§ 1. Be it enacted by the General Assembly of Virginia, That the town of Clinchport, in Scott County, as the same is now or shall be laid off into lots, squares, streets and alleys, shall be and the same is hereby, made a town corporate by the name of Clinchport, 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 the general law of the State and be subject to all the provisions of said Code and to all laws now in force, or which may hereafter be enacted, in reference to the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1940, c. 210)

§ 2. The boundaries of said town shall be as follows: Beginning at the mouth of branch on the north side of Clinch River below Humphry Reed's; thence northwest to R. A. Smith's, near the mouth of Little Stock creek; thence with the Clinchport improvement company's line on top of the ridge to the said company's northeast corner; thence south to Clinch river; thence with meanders of said river to the beginning. (1940, c. 210)

§ 3. That the officers of said town shall consist of a mayor, five councilmen, and a recorder. The mayor and councilmen shall compose the council of said town. Said officers shall hold their office for two years, and until their successors are duly elected and qualified. (1940, c. 210; 1975, c. 154)

§ 4. The said council shall have power to pass all by-laws and ordinances for the proper government of said town, not in conflict with the Constitution and laws of the State of Virginia and the Constitution and laws of the United States. They shall have power, unless prohibited by general law, to impose a license tax upon all business upon which the State imposes license, or which is provided by law, and its officers shall have such power to collect the same as a State officer would have in like case; and to levy annually on property subject to local taxation under general law such taxes as it may deem necessary for the purposes of the town; provided that such levy shall not exceed \$1.50 (one dollar and fifty cents) on the one hundred dollars' valuation of property. (1940, c. 210)

§ 5. The mayor shall be president of the council, but shall have no vote, except in case of a tie and shall be chief magistrate of the town, and as such shall see that the ordinances and by-laws of said town are faithfully executed, and that the various officers of the town faithfully discharge their duties. He shall be vested with full powers of a justice of the peace, civil and criminal, within the corporate limits, and one mile beyond and outside of the same; and shall, in addition, have such other powers and perform such other duties as are now or may be hereafter prescribed for mayors of towns of less than five thousand inhabitants. (1940, c. 210)

§ 6. The recorder shall keep an accurate record of all the proceedings of the council, its bylaws, acts and ordinances, which shall be open at all times to the inspection of any voter in the town, and the recorder shall be ex officio treasurer of said corporation,

giving such bond, performing such duties and receiving such compensation as shall be prescribed by the council; he shall make out tax bills upon the estimates of property, when ordered by the council, and shall collect the same and shall have the power to distrain and sue therefor, in like manner as a county treasurer may distrain and sue for State taxes, and also administer oath of office to any officer of the corporation. (1940, c. 210; 1975, c. 154)

§ 7. The town police shall be vested with the powers of a conservator of the peace and with the powers of a constable within the limits of said town. They shall perform such other duties and receive such compensation as the council may prescribe. (1940, c. 210; 1975, c. 154)

§ 8. That until the election hereinafter provided for, and until their successors in office shall be duly elected and qualified, James H. Miller shall be mayor, Paul Dunn shall be recorder, Etta Palmer Carter shall be treasurer, and W. H. Neely, E. D. Fugate, E. M. Rhoton, J. N. Kelly, J. Dudley Ford shall be councilmen of said town. The election of said officers shall take place on the second Tuesday of June, anno domini 1941, and every two years thereafter, said election to be conducted in the manner prescribed by law. (1940, c. 210)

§ 9. Should any of the above-designated officers fail to act, it shall be the duty of the circuit court of Scott county, or the judge thereof in vacation, to appoint some other resident voter of said town to act as such until his successor shall be duly elected and qualified. (1940, c. 210)

§ 10. The authorities of said town shall have the use of the county jail of Scott county for the safe-keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town; and whenever judgment shall be rendered against any person for fines, and such person has no visible effects which the sergeant may distrain or sell therefor, such person may be compelled to work out such fine on the public streets or other improvements, and to suffer, in addition such terms of imprisonment as may be prescribed by the ordinances of said town. (1940, c. 210)

§ 11. The council of said town shall have power to appoint one or more policemen for said town, who shall be vested with the powers as set forth in § 7, and whose compensation shall be fixed by the said council. (1940, c. 210; 1975, c. 154)

§ 12. No debt or liability shall be incurred by said town, nor any claim or allowance made to any officer of said town, or any other person in excess of the taxation permitted to be imposed by this charter. (1940, c. 210)