

GRUNDY, TOWN OF
County of Buchanan.

Incorporated, 1875-76, c. 249.

Charter, 1926, c. 206.

Amended 1938, c. 142 (§ 14)
 1952, c. 6 (§ 14)
 1956, c. 119 (§§ 3, 14)
 1993, c. 401 (§ 14).

§ 1. Be it enacted by the general assembly of Virginia, That the inhabitants of the territory in Buchanan County contained within the boundaries prescribed by § 2 hereof, be and shall continue to be a body politic and corporate, in fact and in name, under the name and style of the Town of Grundy, and as such shall have and exercise all the powers conferred by and be subject to all the laws of the State of Virginia for the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1926, c. 206)

§ 2. The boundaries of said town shall be as follows: Beginning at the mouth of the lower Mill branch of Slate creek; thence a straight line in a southwesterly direction, crossing the ridge between Slate creek and New House branch thereof to a point one hundred feet due east of the residence of J. R. Davis; thence a straight line, continuing in a southwesterly direction, but not on the same degree as the last call, to a point in the center of the State highway leading from Grundy, Virginia, to Raven, Virginia, in a line between the lands of J. N. Watkins' heirs and R. G. Watkins' heirs; thence a straight line, crossing the spur between Three and Twenty Mile branch and Levisa River, to the mouth of Ramp Hollow of Three and Twenty Mile branch; thence a straight line, almost due north, to the mouth of Beck branch of Levisa river, near the residence of D. C. Ratliff; thence due north to the top of the ridge between Levisa river and Six and Twenty Mile branch; thence an eastwardly course, with the top of said ridge, to the nearest point where same will drain into the waters of Dave branch of Slate creek; thence due east crossing Dave branch and Lower Mill branch to a point three hundred feet east of the center of Mill branch; thence down said lower Mill branch by a line which shall be at all times three hundred feet due east of the center of said lower Mill branch to the center of Slate creek; thence down with the center of Slate creek to the mouth of lower Mill branch, the place of beginning. (1926, c. 206)

§ 3. The council of said town shall consist of a mayor and six councilmen, all of whom shall be residents and electors of said town. The mayor shall, as heretofore, be elected every two years. At the regular election of the council of said town (which is to be held in June, 1957) there shall be elected six councilmen for the town, all of whom shall be residents of the town, and the three councilmen receiving the highest number of votes, respectively, shall serve a term of four years, beginning with September 1, 1957; and the three councilmen receiving the next highest number of votes, respectively, shall serve for a term of two years. Thereafter three councilmen shall be elected every two years and each of them shall serve for a term of four years. (1926, c. 206; 1956, c. 119)

§ 4. There shall be a recorder for said town, who shall have the same qualifications as the members of the council, and who shall be elected by the council, and

who shall hold said office during the pleasure of the council. It shall be the duty of the recorder to attend and keep a record of the meetings of the council, and perform all other duties prescribed by statute, and all other and additional duties prescribed by the said council. He shall execute bond, payable to said town, in the penalty to be fixed by the council, and with the surety approved by the council, at any time required by the council; and the council may at any time require a new bond to be executed, for a greater or less amount. (1926, c. 206)

§ 5. There shall be a sergeant for said town, who shall be elected by the council, and who shall hold said office during the pleasure of the council. The sergeant shall perform such duty and be invested with such authority as provided by general statutes for sergeants and police officers of a town, and he shall be the chief police officer of the town, and shall perform such other and general duties and be invested with such other authority as the town council may prescribe. The sergeant shall have power to execute within the corporate limits of said town, and elsewhere in Buchanan County, any civil or criminal proceedings, or any warrant or process directed to him by the mayor or councilman of said town, or by the juvenile judge or any justice of the peace of said county, for which services he shall be allowed the same compensation as constables for like services. The sergeant shall be over the age of twenty-one years, and need not be an elector or resident of said town. He shall execute bond, payable to said town, in the penalty to be fixed by the council, and with the surety approved by the council, at any time required by the council; and the council may at any time require a new bond to be executed, for a greater or less amount. (1926, c. 206)

§ 6. The mayor shall be the chief executive officer of the town. He shall have control of the police of the town, and may appoint special police officers, when and for such time as he may deem necessary, which special police officers so appointed shall have all the powers exercised by the sergeant in said town, and within one mile of the corporate limits thereof.

All by-laws and ordinances, before they become valid and operative, shall have the signature of the mayor, and he shall have the veto power, but any by-law or ordinance may be enacted over the mayor's veto by a vote of two-thirds of the members of the council. All by-laws and ordinances enacted by the council shall become effective immediately upon their passage and approval by the mayor, unless otherwise provided thereby. (1926, c. 206)

§ 7. The mayor, sergeant and councilmen shall be vested with, and exercise all the rights and authority granted and conferred upon such officers of towns of less than five thousand inhabitants, by the Constitution and general statutes of the Commonwealth, so far as the same are not in conflict with the provisions of this act. (1926, c. 206)

§ 8. The council shall have the power to pass all ordinances for the proper government of the said town, and for the protection of the health, safety, morality, comfort and welfare of the people thereof, and to preserve the peace and good order of the town, and to protect and preserve the property in said town, and shall have and exercise all the power and privileges conferred upon the town councils of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1926, c. 206)

§ 9. The town council shall have the power and authority to require the owners or occupiers of real estate within the corporate limits of the town, which may front or abut

on the line of any sewer line or conduit, to make connections therewith, and to use such sewer pipes and conduit, under such ordinances and regulations as the council may deem necessary to secure the proper sewerage thereof, and to improve and secure proper sanitary conditions, and to fix and impose the charges and fines to be paid by the owners or occupiers of the properties, and persons served thereby, for tapping and using such sewers, pipes and conduits; to make regulations for the use, enjoyment, protection and care of the sewerage system, pipes, conduits and water supply of the town; and shall have the power to enforce the observance of all such ordinances and regulations by the imposition and collection of fines and penalties to be collected as other fines and penalties for the violation of ordinances of the town are collected; and shall have the power and authority to purchase, and otherwise acquire springs, wells and other water supply, and to purchase, lay and maintain reservoirs, pipe lines, dams and other means for furnishing an adequate water supply, and to fix the charge for water furnished by the town. (1926, c. 206)

§ 10. The town council shall have the power and authority to adopt the jail of Buchanan County as the jail of the said town, and the jailer of said county shall at all times receive and confine in said jail all persons sentenced thereto for a violation of any of the ordinances or laws of said town, for the same fees as he may receive for State prisoners, and the town council may compel any prisoner to work upon the streets or other public improvements or works of the town, unless physically incapable of so doing, while serving a sentence in jail, or while being confined therein for failure to pay any fine and costs imposed by an officer of the town. (1926, c. 206)

§ 11. The boundaries of the Town of Grundy shall constitute a separate road district, and it shall be the duty of the council of said town to provide for and keep the streets and roads within the corporate limits of said town (subject to the supervision, control and maintenance by the State Highway Department of such part of said roads as may be in the State Highway system) in repair and clear of all fences and other obstructions; and it shall be the duty of the county treasurer of Buchanan County to settle with and pay over to the council of said town, on or before December 31, 1926, and each succeeding December 31 thereafter, all the county and district road taxes collected by him during that calendar year, on real and personal property, and on all other property subject to road taxes, within the limits of said town. (1926, c. 206)

§ 12. The town council shall have the power and authority to levy and collect such taxes on such classes of property, real and personal, in said town, as in the opinion of the council may be necessary to meet the expenses of the town, and to make such permanent improvements as may be ordered by the council, and may impose on any person or corporation a license tax for the privilege of engaging in any business or trade in the town, or for practicing any profession therein, whether said business, trade or profession requires or has any capital invested thereon, or whether a license is imposed thereon by the State or not, and may impose a license tax on the residents of said town for the privilege of operating therein any motor or other vehicle; and said council shall have the power to impose such fines and penalties as it may deem proper for failure to secure any license required by it. (1926, c. 206)

§ 13. In every case where a street, alley, park or public property of the town has been, or shall be, occupied or encroached upon by a fence, building, porch, projection or otherwise, without first having obtained consent thereto from the town council or a

franchise therefor, such occupancy or encroachment shall be deemed a nuisance, and the owner or occupant of the premises encroaching, upon conviction of so doing, before the mayor or any councilman of the town, shall be fined not less than five dollars nor more than fifty dollars, each day's continuance of the said occupancy or encroachment to constitute a separate offense, such fine to be recovered in the name of the town and for its use, and the town council may require the owner of the premises encroaching, if known, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed, and collect from the owner, or if the owner be not known, the occupant, all reasonable charges therefor with costs, by the same process that they are authorized by law to collect taxes.

No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to or confer any rights upon the person claiming thereunder, as against the town. (1926, c. 206)

§ 14. The town council shall have the power and authority, without a reference thereof to the vote of the people, to issue certificates of indebtedness, revenue bonds or other obligations, of the town, in anticipation of the collection of the revenue of the town for the then current year, provided, that such certificates, bonds and other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the sum of \$100,000; and the said council shall have the further power and authority, without a reference thereto to the vote of the people to borrow money and issue the bonds or other interest-bearing obligations of the town therefor, for permanent improvements for the benefit of said town and not otherwise, provided that such bonds or other obligations shall not exceed the aggregate amount authorized by Article VII, Section 10 of the Constitution of Virginia, and in no event to exceed the aggregate amount of \$1 million, or to run for a longer period than twenty years from the date thereof; and provided, further that before any money is borrowed for such public improvements, a public meeting of the citizens must be called by the mayor, with the approval of the council, to be held at some public place after advertisement thereof for at least fifteen days by posting notice thereof at the front door of the Courthouse of Buchanan County, Virginia, and at not less than ten other public places in the Town of Grundy, Virginia, and also by the insertion of such notice in not less than two consecutive issues of some weekly newspaper published in Buchanan County, Virginia, the last insertion to be made not less than five days prior to the holding of said meeting, at which meeting all electors of the town shall be given a reasonable opportunity to express their views on the borrowing of said money; that at any one time or at different times within one year after such public meeting is held the council may proceed to borrow such money as in its opinion is required for such public improvements, but the total amount borrowed to be limited as hereinbefore set out, and that in authorizing the borrowing of such money for public improvements the mayor of the town shall have an equal vote with the members of the council, thus making seven voters on the question of such borrowing, and no money shall be borrowed for permanent improvements unless by the recorded vote of at least six of such seven.

The provisions of this section shall not be construed to change or otherwise interfere with the provisions of general law permitting the borrowing of money by towns,

regardless of the amount thereof, by the vote of the electors. (1926, c. 206; 1938, c. 142; 1952, c. 6; 1956, c. 119; 1993, c. 401)

§ 15. The said town council may provide for the payment of any levies and taxes assessed by it against any property at any time during the year it may see fit, and may fix any reasonable penalty for the nonpayment thereof within a stated time. (1926, c. 206)

§ 16. The commissioner of the revenue for the magisterial district of Buchanan County in which said town is located shall assess the properties, both real and personal, of said town in a separate place in his book from the properties outside of said town. (1926, c. 206)

§ 17. All ordinances now in force in the Town of Grundy, not inconsistent with this act, shall be and remain in force until altered, amended or repealed by the town council. And the present officers now serving the town shall be and remain in office until the expiration of their several terms or until their successors qualify, and the next election of town officers, which are to be elected by the people, shall be held in the year 1927, and every second year thereafter, at the time fixed by the general laws for the election of town officers. (1926, c. 206)

§ 18. All acts or parts of acts in conflict with this act are hereby repealed, insofar as they might affect the provisions of this act and all former acts chartering or amending the charter of the Town of Grundy are hereby repealed. (1926, c. 206)

§ 19. An emergency existing, this act shall be in force from its passage. (1926, c. 206)