

HAYSI, TOWN OF
County of Dickenson.

Incorporation and charter, 1936, c. 24.

Amended 1980, c. 63 (§ 5 [repealed], 5A [added])
1999, c. 272 (§§ 3, 5A).

§ 1. That a part of the area of the county of Dickenson, embraced within the boundaries described in § 2 hereof, is hereby incorporated as a town under the name and style of the town of Haysi, and the inhabitants within said boundaries shall henceforth be a body corporate and politic, with all the powers and privileges and subject to all the duties and obligations conferred and imposed upon towns by general law, together with such modifications thereof and additions thereto as are hereinafter set forth, subject to the limitations hereinafter contained. (1936, c. 24)

§ 2. The boundaries of the said town of Haysi, unless and until changed in the manner prescribed by law, shall be as follows:

Beginning on a hub on a point above the Haysi high school building, and in the Appalachia Electric Power line; thence south sixty-five west twenty-three hundred and sixty feet to a hub on a point, north sixty-seven west nine hundred and thirty-six feet to a hub on a point in power line leading to Splashdam, Virginia, with said power line north fourteen and thirty/one hundredths east thirty-one hundred and five feet to a hub on a point west of Martha Puckett's dwelling, north six west twenty-two hundred and sixty-three feet to a hub on top of a ridge on W. W. Scypher's property and at power structure number eighty-eight; thence north twenty-six east four hundred and ninety-eight feet to a hub in W. W. Scypher's field; thence leaving said ridge south eighty-eight east one hundred and three feet hub on side of a hill, north eighty-five and thirty/one hundredths east nineteen hundred and twenty-nine feet to a hub in the power line leading to Elkhorn City, Kentucky, thence with same south thirty-four east seven hundred and seventy-three feet to a hub in power line on top of the ridge; south thirty-three east sixteen hundred and twenty-two feet to a hub in power line; thence leaving said power line north forty-seven east nine hundred and forty-six feet to a hub on the hillside near a coal opening and two hundred feet north of State garage, south eighty-two and thirty/one hundredths east seven hundred and twenty-eight feet to a hub on a point two hundred feet northeast of G. B. Sutherland's house, north fifteen east one hundred and twenty-five feet to a hub on a hillside one hundred and twenty-five feet north of State highway, north ten east eleven hundred feet to a hub on the hillside near a mine south seventy-eight and thirty/one hundredths east seven hundred and forty-five feet to a hub on a spur three hundred feet north of S. F. Fuller's house, south fifty-two east four hundred and fourteen feet to a hub on a point one hundred feet north of the State highway; thence crossing said highway and Prater creek, south three and thirty/one hundredths east eleven hundred feet to a hub on top of a ridge, south one west fifty-eight feet to a hub on top of a ridge; thence over H. H. Coleman's land, south ten west one thousand and sixty-five feet hub on top of a ridge; thence over Rufus Coleman's land, south three and thirty/one hundredths west six hundred feet to a hub on ridge in power line; thence with said power line, south sixty-five and thirty/one hundredths west four thousand and forty-eight feet to the beginning, containing six hundred and forty acres, or one square mile. (1936, c. 24)

§ 3. The town of Haysi shall have the following powers, to the extent that they, or any of them, are not prohibited or limited by general law or by the Constitution of Virginia or the United States Constitution:

(a) Raise annually, by taxes and assessments in the town, such sums of money as the council thereof deems necessary for the purposes of the town, in such manner as the council deems expedient.

(b) Levy and collect taxes, and assessments on persons, property subject to local taxation, privileges, amusements, businesses, professions, and occupations; issue licenses for the conduct or operation of privileges, amusements, businesses, professions, and occupations; and make and collect charges and fees therefor.

(c) Impose special or local assessments for local improvements and enforce payment thereof.

(d) Contract debts, borrow money and make and issue evidences of indebtedness, and have a common seal.

(e) Expend the money of the town for all lawful purposes.

(f) Acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein, within or without the town, for any of the purposes thereof and hold, improve, sell, lease, or mortgage the same or any part thereof, including any property now owned by the town.

(g) Construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, grounds and structures necessary or appropriate for the use and proper operation of the various departments of the town.

(h) Own, operate, and maintain waterworks, and acquire in any lawful manner, in any county of the Commonwealth, or from the United States government, such water, lands, proper rights and riparian rights as the council of the town deems necessary for the purpose of providing an adequate water supply to the town, and piping or conducting the same; lay all necessary mains and service lines within and without the corporate limits of the town; erect and maintain all necessary dams, pumping stations and other works in connection therewith; make reasonable rules and regulations for promoting the purity of its water supply and for protecting the same from pollution, and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply, wherever such lands may be located in this Commonwealth; impose and enforce adequate penalties for the violation of any such rules and regulations, and prevent by injunction any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, exercise within the Commonwealth all powers of eminent domain provided by the laws of this Commonwealth.

(i) Own, operate, and maintain electric light and gas works either within or without the corporate limits of the town, and supply gas and electricity, whether they are generated or purchased by the town, to its customers and consumers both within and without the corporate limits of the town, at such price and upon such terms as may be prescribed; to that end, it may contract to purchase electricity and gas from the owners thereof upon such terms as it deems expedient.

(j) Establish, impose, and enforce the collection of water, light, gas, and sewerage rates, and rates and charges for other services, products, or conveniences operated or furnished by the town, and prescribe a different rate to be paid for such services and

conveniences rendered to users or customers without the corporate limits from the charges made to those within the corporate limits of the town.

(k) Establish, enter, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean public streets, highways, alleys, parkways and parks, and alter or close the same; regulate the weight of loads to be hauled or carried over and upon the streets; regulate the use of all such highways, parks, streets, alleys, parkways, and public grounds; prevent the obstruction and destruction, and injury to, any of such streets and highways; require any railroad company operating a railroad at the place where any highway or street is crossed within the town limits to erect and maintain at such crossing any style of gate deemed proper and keep a man in charge thereof, or keep a flagman at such crossing during such hours as the council may require in accordance with the general law of the Commonwealth, and regulate the length of time such crossings may be closed due to any operations of the railroad; regulate the operation and speed of all cars and vehicles upon the streets and highways, as well as the speed of all engines, cars, and trains of railroads within the town; and permit or prohibit poles and wires for electric, telephone and telegraph purposes to be erected and gas lines to be laid in the streets and alleys, prescribe and collect an annual charge for such privilege hereafter granted and require the owner or lessee of any electric light, telephone or telegraph pole or poles or wires now in use or hereafter erected to change the location or move the same, if necessary.

(l) Acquire by gift, purchase, or by the exercise of the power of eminent domain within this Commonwealth, land or any interest or estate in lands, rock quarries, gravel pits, sand pits, water and water rights, and the necessary roadways thereto, either within or without the town; acquire and install machinery and equipment and build the necessary roads and tramways thereto; and operate the same for the purpose of producing materials required for any and all purposes of the town.

(m) Establish, construct, and maintain sanitary sewers, sewer lines, and cisterns and require the abutting property owners to connect therewith; establish, construct, maintain, and operate sewerage disposal plants, and acquire by condemnation or otherwise, within or without the town, all lands, rights of way, and other rights and easements necessary for the purposes aforesaid; and charge and collect reasonable fees and assessments or costs of service for connecting with and using the same.

(n) Subject to the provisions of the Constitution of Virginia and this charter, grant franchises for public utilities.

(o) Collect and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals and other refuse and make reasonable charges therefor; acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; and contract for, regulate, require and collect for the disposal thereof.

(p) Compel the abatement of all nuisances within the town, or upon property owned by the town beyond its limits, at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and collect the expense by suit or motion or by distress and sale; require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or make them so at the expense of the owners or occupants thereof, and collect the expense by suit or motion or by distress and sale; regulate or prevent slaughter houses or other noisome or offensive business within the the

town, the keeping of hogs or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the town; compel the abatement of smoke and dust, and prevent unnecessary noise; regulate the location of stables and the manner in which they shall be kept and constructed; regulate the location, construction and operation and maintenance of billboards; provide how, when, and under what conditions awnings may project over the streets and sidewalks from buildings, and sidewalks used for advertising and displaying signs and merchandise; generally define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary, and free from all weeds, filth, unsightly deposits, ice, or snow.

(q) Appoint a board of health for the town and invest it with authority for the prompt and efficient performance of its duties.

(r) Inspect, test, measure, and weigh any commodity or article of consumption for use within the town, and establish, regulate, license, and inspect weights, meters, measures and scales.

(s) Extinguish and prevent fires, and establish, regulate, and control a fire department or division; regulate the size, heights, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected, in such manner as the public safety and conveniences may require; remove, or require to be removed or reconstructed, any building, structure or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected contrary to law; establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed to, added to, enlarged, or repaired, and direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(t) Charge and collect fees for permits to use public facilities and for public service and privileges. The town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits.

(u) (1936, c. 24; repealed 1999, c. 272)

(v) Provide in or near the town lands to be used as burial places for the dead, providing land for the same may be secured, or provide same as near as may be to the town; improve and care for the same and the approaches thereto and charge for and regulate the use of ground therein; and provide for the perpetual upkeep and care of any plot or burial lot therein, take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income therefrom used in and about the perpetual upkeep and care of the lot or plot, for which the donation, gift, or bequest was made.

(w) Exercise full police powers and establish and maintain a department or division of police.

(x) Restrain and punish drunkards, vagrants and street beggars; prevent and quell riots, disturbances, and disorderly assemblages; suppress houses of ill-fame and gambling houses; and prevent and punish lewd, indecent and disorderly exhibitions in the town.

(y) License and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of any of them within the town; require every owner of a motor vehicle residing in the town, on a date to be designated by the council, to annually register such motor vehicle and obtain a license to operate it by applying to the treasurer of the town, and require the owner to pay an annual license fee therefor, to be fixed by the council, but the license fee shall not exceed the amount charged by the Commonwealth on the machine.

(aa) Do all things whatsoever necessary or expedient, and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town, or its inhabitants.

(bb) Prescribe any penalty for the violation of any town ordinance, rule or regulation not exceeding any penalty established by the Commonwealth for a similar offense.

(cc) Prohibit and punish mischievous, wanton, or malicious damage to school property, public property, and private property.

(dd) Prohibit and punish minors frequenting, playing in, or loitering in any public poolroom, billiard parlor or ten-pin alley, and punish any proprietor or agent thereof for permitting same.

(ee) Pass and enforce all by-laws, rules, regulations and ordinances which it deems necessary for the good order and government of the town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health and protection of its citizens or their property, and do such other things, and pass such other laws, as may be necessary or proper to carry into full effect, all power, authority, capacity, or jurisdiction which is or shall be granted to or vested in the town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation.

(ff) Maintain a suit to restrain by injunction the violation of any ordinance, even though punishment may be provided for the violation of such ordinance. (1936, c. 24; 1999, c. 272)

§ 4. The government of said town shall be vested in a town council, which shall be composed of a mayor and six councilmen, each and all of whom shall be residents of, and qualified voters of said town. Vacancies in the office of mayor or councilmen shall be filled for the unexpired term by a majority vote of the remaining members of the council. The mayor shall preside over all meetings of said council, and shall not vote upon any matter before the council except in the case of a tie vote of councilmen voting. The mayor shall be the chief executive officer of the town, and shall have the jurisdiction and authority of a justice of the peace, and shall have exclusive original jurisdiction for the trial of offenses arising under the ordinances of said town. In the absence of the mayor the council shall, by majority vote, select one of its members to act as mayor pro tem. (1936, c. 24)

§ 5. (1936, c. 24; repealed 1980, c. 63)

§ 5A. At the regular municipal election to be held on the first Tuesday in May 1980, six councilmen shall be elected. The three members receiving the highest number of votes in such election shall serve as members of the council for terms of four years each. The remaining three members shall serve for terms of two years each. At the regular municipal election to be held on the first Tuesday in May 1982, and every two

years thereafter, three councilmen shall be elected each for a term of four years. All terms shall begin on the first day of July next following the election. Each councilman shall serve until his successor has been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of its members.

At the regular municipal election to be held on the first Tuesday in May of 2000, and every four years thereafter, the qualified voters shall elect a mayor to serve for a term of four years or until his successor has been elected and qualified. The mayor shall take office the first day of July next following his election. (1980, c. 63; 1999, c. 272)

§ 6. The officers of the said town, in addition to the mayor and councilmen, shall be a treasurer, a clerk, and a sergeant, who shall be electors of the town; the council may by ordinance provide for such other officers, agents, and employees as it may deem appropriate, prescribe their duties and fix their compensation. The treasurer, clerk, and sergeant shall be elected by the council for a term of two years coincident with that of the council. The office of treasurer and clerk may be filled by the same person, who may by a vote of two-thirds of all the members of the council, be a member of the council. (1936, c. 24)

§ 7. The council shall fix the salaries of the mayor, councilmen, treasurer, clerk, and sergeant, and such other officers or agents as it may employ, which shall not be increased or diminished during the term of office of such officer or agent. (1936, c. 24)

§ 8. The council shall, by ordinance, adopt such rules as it may deem proper for the regulation of its proceedings, and the time of its meetings, and by a three-fourths vote of the whole council may expel a member for good cause. A majority of the council shall constitute a quorum for the transaction of business, but no ordinance or resolution shall be adopted having for its object the levying of taxes or contracting a debt except by a vote of two-thirds of the council. The mayor shall preside at all meetings of the council. All meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council; any citizen may have access to the minutes and records of the council at any reasonable times. (1936, c. 24)

§ 9. The mayor, in addition to his duty in presiding over the council, shall perform such other duties consistent with his office as may be imposed by the council; he shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; he shall be the official head of the town. In times of public danger or emergency he may take command of the police and maintain order and enforce the laws, and for this purpose may deputize such assistant policemen as may be necessary. During his absence or disability his duties shall be performed by another member elected by the council as in this charter set forth. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of the State shall require. (1936, c. 24)

§ 10. The town treasurer shall be the disbursing agent of the town and have the custody of all moneys and all evidences of value belonging to the town, or held in trust by the town. He shall receive all money belonging to and received by the town and keep a correct account of all receipts from all sources, and expenditures of all departments. He shall collect all taxes and assessments, water rents, and other charges belonging to and payable to the town, and for that purpose he is hereby vested with any and all powers

which are now, or may hereafter be vested in county and State treasurers, for the collection of county, town, and State taxes under the general law. He shall keep and disburse all moneys or funds in such manner and in such places as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed by ordinance or general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property and the license taxes, and shall have power to administer oaths in the performance of his official duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by the mayor, or by ordinance or resolution of the council. The treasurer shall not be entitled to any commission for handling the funds of the town but shall be paid such salary as may be provided by the council, and before entering upon the duties of his office shall execute a bond in such amount and with such security as the council by ordinance may prescribe.

The council may, however, in its discretion and by proper ordinance, require the sergeant or other police officer of the town, instead of the treasurer, to collect the taxes and other revenues of the town and pay the same over to the treasurer. (1936, c. 24)

§ 11. The town clerk shall be the clerk of the council, shall attend all meetings thereof, and shall keep a record of its proceedings. He shall keep all papers, documents, and records pertaining to the town, the custody of which is not otherwise provided for. He shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same, and shall perform such other duties as are required by general law or by the council by ordinance or resolution. (1936, c. 24)

§ 12. The town sergeant shall have the same powers and discharge the same duties as a constable within the corporate limits of the town; he shall perform such duties as may be required of town sergeants by the general law, and such other duties not inconsistent therewith as may be required of him by ordinance or resolution of the council. (1936, c. 24)

§ 13. The council may, by ordinance, create the office of police justice for the town and such police justice may, insofar as is not in conflict with the general laws of the State relating to trial justices, be granted jurisdiction and powers similar to the jurisdiction and powers of police justices in cities of this State. The term of office of such police justice shall not be for a term extending beyond that of the council by which he may be appointed. (1936, c. 24)

§ 14. Licenses may be imposed by ordinance on business, trades, professions and callings, and upon the persons, firms, associations and corporations engaged therein, or doing, or offering to do, business within the boundaries of said town, whose principal office is, or is not, located in said town, except when prohibited by general law, whether a license may be required therefor by the State or not, and it may exceed the State license if any be required; licenses may also be imposed upon persons, firms, and corporations selling and delivering at the same time at other than a definite place of business goods, wares or merchandise, to licensed dealers or retailers in said town. It is the purpose of this section to give the council of this town the power to tax and license all subjects within its jurisdiction not withheld from taxation by cities and towns by the laws of this State, whether herein specifically enumerated or not.

For every town license issued by the treasurer under this charter he may charge a fee to be prescribed by ordinance, not in excess of seventy-five cents, and for transferring

a license the fee shall not be in excess of fifty cents, such fees to be paid by the person obtaining the license or transfer may be withheld until the fees are paid into the town treasury for town purposes, should any such fees be prescribed by town ordinance. (1936, c. 24)

§ 15. A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed, and the procedure for collecting said taxes, for selling real estate for town taxes, and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now, or hereafter may be granted or permitted under the general law. (1936, c. 24)

§ 16. If any clause, sentence, paragraph, or part of this act, shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which said judgment shall have been rendered. (1936, c. 24)

§ 17. The enumeration of particular powers and authority in this charter shall not be deemed or held to be exclusive but in addition to the powers herein enumerated, implied hereby, or appropriate to the exercise thereof, the said town shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by towns under the Constitution and general laws of this State. (1936, c. 24)