



two thousand nine hundred eighty (2980) feet and passing near the corner of block one hundred nine (109), crossing route 220 and the Chesapeake & Ohio Railway right-of-way to a point in the middle of Jackson River, passing a large white oak tree in the front of lot eight (8), block one hundred nine (109); thence up and with the several courses of Jackson River five thousand four hundred fifty-two (5452) feet to the point of beginning. (1940, c. 99)

## CHAPTER II

§ 1. Powers of the Town of Iron Gate.--(1) To raise annually, by the levy of taxes and assessments in the said town, on all such property, real and personal, as is now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council thereof shall deem necessary for the purpose of the said town, in such manner as the said council shall deem expedient in accordance with the Constitution of this State and of the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(2) To impose special or local assessments for local improvements and to force payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments.

(3) To impose a tax not exceeding one dollar per annum on all persons residing in said town above the age of twenty-one years, not exempt from the payment of State capitation tax.

(4) (a) The town may, in the name of and for the use of the town, contract debts and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, upon the credit of the town, or solely upon the credit of specific property owned by the town, or solely upon the credit of income derived from property used in connection with any public utility owned and operated by the town.

(b) Pending the issuance and sale of any bonds, notes or other obligations by this act authorized, or in anticipation of the receipt of taxes and revenues of the current fiscal year, it shall be lawful for the town to borrow money temporarily and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of the said bonds, notes or other obligations or from the town taxes and revenues, as the case may be.

(c) The credit of the town shall not, directly or indirectly, under any devise or pretense whatsoever, be granted to or in aid of any person, firm, association, or corporation.

(d) Every ordinance authorizing the issuance of bonds shall specify the purpose or purposes for which they are to be issued, the aggregate amount of the bonds, the term for which they shall be issued, and the maximum rate of interest to be paid thereon. Any such ordinance may be amended by ordinance at any time before the bonds to be affected by such amendment have been sold; provided, however, if there shall be omitted from this act any provision essential to the valid authorization, sale, execution and issuance of any of the bonds of said town, the provisions of general law with reference to similar bonds shall supply said omission.

(e) Any bonds issued by the town under this act shall be signed by the mayor and attested by the clerk under the seal of the town, and shall be made payable in the office of the town treasurer or such other place in or out of the State as the council may provide in the ordinance authorizing the issuance of the particular bonds. Such bonds may be

advertised by the mayor and sold by the town treasurer, as may be provided in such ordinance, under supervision of the mayor and clerk, and the sale reported to and approved by the council, and the proceeds from said sale shall be paid to the town treasurer.

(5) To expend the money of the town for all lawful purposes.

(6) To 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 of the town; and to hold, improve, sell, lease, mortgage, pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(7) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights, and riparian rights as the council of the said town may deem necessary for the purpose of providing an adequate water supply to the said town and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines, either within or without the corporate limits of the said town for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town and to charge and collect water rents thereof; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its said water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised within the limits of the water shed tributary to any such water supply wherever such lands may be located in this State; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to 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, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

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

(9) To inspect, test measure and weigh any commodity or commodities or articles of consumption for use within the town; and to establish, regulate, license, and inspect weights, meters, measures and scales.

(10) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them, within the town or within one mile thereof.

(11) May require every owner of motor vehicles residing in the said town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the said town, or such other person as may be designated by the council of the said town, to issue said license, and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that the said license fee shall not exceed the amount charged by the State on the said machine.

(12) To construct, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, sewage disposal plants, jails,

comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town; and to acquire by condemnation or otherwise, all lands, riparian and other rights, and easements necessary for such improvements, or any of them; either within or without the town, and to construct, maintain or aid therein, roads, and bridges to any property owned by the said town and situate beyond the corporate limits thereof, and to acquire land necessary for the aforesaid by condemnation or otherwise.

(13) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants; and in event such rates and charges shall be assessed against a tenant then the council may by ordinance, require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant.

(14) To charge and to collect fees for permits to use public facilities and for public services and privileges. The said 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.

(15) To compel the abatement and removal 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 ground or premises whereon the same may be, and to collect said expense by suit or motion or by distress and sale; to 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 to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate, or prevent slaughter houses or other noisome or offensive business within the said 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; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation, and maintenance of billboards, signs, advertising, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic, safety, convenience and welfare of the inhabitants of the town, and to 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 and snow.

(16) To extinguish and prevent fires, and to establish, regulate and control a fire department or division, to regulate the size, height, 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; to 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; to establish and designate from time

to time fire limits, within which limits wooden buildings shall not be constructed, removed, added to, enlarged, or repaired and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(17) To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene oil or other like materials; to regulate the exhibition of fireworks, the discharge of firearms, and the making of bonfires in the streets and yards.

(18) To authorize and regulate the erection of party walls and fences, and to prescribe how the cost thereof shall be borne by coterminous owners.

(19) To provide for regular and safe construction of houses in the town for the future, and to provide a building code for the town, to provide setback lines on the streets beyond which no building may be constructed, to require the standard of all dwelling houses be maintained in residential section in keeping with the majority of residences therein, and to require the standard of all business houses be maintained in business sections in keeping with the majority of the business houses therein.

(20) To provide for the care, support and maintenance of children and of sick, aged, insane or poor persons and paupers.

(21) To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper.

(22) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals.

(23) To provide in or near the town, lands to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein; to cooperate with any nonprofit corporation in the improvement and care of burial places and the approaches thereto; and to provide for the perpetual upkeep and care of any plot or burial lot therein, the town is authorized to take and receive sums of money by gift, bequest, or otherwise to be kept invested, and the income thereof used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been made.

(24) To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety of the town, from coming to said town from without the same; and also to expel therefrom any such person who has been in said town less than twelve months.

(25) To restrain and punish drunkards, vagrants and street beggars, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill-fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in said town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

(26) To make and enforce ordinances, insofar as permitted by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale,

distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

(27) To prohibit and punish for mischievous, wanton, or malicious damage to school and public property, as well as private property.

(28) To prohibit from, and punish minors for, frequenting, playing in or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.

(29) To offer and pay rewards for the apprehension and conviction of criminals.

(30) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction of such violation.

(31) Insofar as not prohibited by general law, to pass and enforce all by-laws, rules, regulations and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens or their property and to do such other things and pass such other laws as may be necessary or proper to carry into full effect, all powers, authority, capacity, or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court, or officers thereof, or which may be necessarily incident to a municipal corporation

(32) To 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.

(33) To prescribe any penalty for the violation of any town ordinance, rule, or regulation or of any provision of this charter, not exceeding five hundred dollars or twelve months' imprisonment in jail, or both.

(34) To own, operate and maintain electric light works, either within or without the corporate limits of the town and to supply electricity whether the same be generated or purchased by said town, to its customers and consumers both without and within the corporate limits of the said town, at such price and upon such terms as it may prescribe, and to that end it may contract and purchase electricity from the owners thereof upon such terms as it may deem expedient.

(35) To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

(36) Except when prohibited by general law, the town may levy a tax or a license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundaries of the town, whether a license may be required therefor by the State or not, and may provide penalties for any violation thereof.

(37) A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, together with all penalties and interest due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the 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.

(38) All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon.

(39) The enumeration of specific powers, privileges, and authority in this charter shall not be deemed exclusive, but in addition to the powers and privileges herein mentioned, implied or appropriated, the said town shall have and may exercise, all other powers, which are or may hereafter be, possessed, or enjoyed, by any towns under the Constitution and laws of the Commonwealth of Virginia, or not denied by the same, as fully and completely as if herein set out at length. (1940, c. 99)

### CHAPTER III

#### ADMINISTRATION AND GOVERNMENT

§ 1. (a) (1940, c. 99; repealed 1977, c. 405)

(b) The administration and government of the town of Iron Gate shall be vested in one body to be called the council of the town of Iron Gate, which shall consist of seven (7) members, six (6) of whom shall be known as councilmen and one to be known as mayor, all of whom shall be residents and qualified voters of the said town. The council may create, appoint, or elect such departments, bodies, boards, and other officers, or assessors or attorneys as are hereinafter provided for, or as are permitted, or required by law to be appointed by the council, or as may be deemed necessary or proper, and may fix their compensation and define their duties.

(c) At the regular municipal election to be held in the town in 1978 there shall be elected three councilmen for a period of four years and a mayor and three councilmen for a period of two years. All councilmen thereafter shall serve four-year terms. At each municipal election in 1980 and each two years thereafter there shall be elected a mayor and three councilmen. The three councilmen elected in 1978 that receive the highest number of votes shall serve four-year terms and the remaining three councilmen shall serve two-year terms. The terms of office shall begin on the first day of July next succeeding their election, each of whom shall serve until his successor shall have been elected and qualified. (1940, c. 99; 1977, c. 405)

#### THE MAYOR

§ 2. (a) The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council consistent with his office. He shall be recognized as the official head of the town for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In time of public danger or emergency, he shall maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no right to vote in the council except that in every case of a tie vote of the council, the mayor shall be entitled to vote and his vote in case of a tie only shall have the same weight and effect as the vote of a councilman. (1940, c. 99)

#### THE COUNCIL

§ 3. (a) The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office, or removal of the members of said body or any of them. Vacancies in the council or any

office therein shall be filled within thirty days after such vacancy occurs for the unexpired term by a majority vote of the remaining members, except where otherwise inconsistent with the provisions of this charter.

(b) The council shall, by ordinance, fix the time for their stated meetings. Special meetings shall be called by the clerk of the council upon the request of the mayor, or any three members of the council; no business shall be transacted at a special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public, except when the public welfare shall require executive sessions.

(c) If any member of the said council shall be voluntarily absent from three regular meetings of the council consecutively, his seat may be deemed vacant by resolution of the council and thereupon his unexpired term shall be filled according to the provisions of this act. (1940, c. 99)

#### TOWN CLERK

§ 4. The town clerk shall be appointed by the council, and shall attend the meetings of the council and shall keep permanent records of its proceedings; 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; he shall keep all papers, codes, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this charter; he shall give notice to all parties, presenting petitions, or communications to the council of the final action of the council on such communications or petitions; he shall give to the proper department or officials ample notice of the expiration or termination of any franchise, contracts or agreements; he shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct; he shall upon final passage transmit to the proper departments or officials copies of all ordinances or resolutions of the council relating in any way to such departments or to the duties of such officials, and he shall perform such other acts and duties as the council may, from time to time, allow or require. (1940, c. 99)

#### TOWN TREASURER

§ 5. (a) The town treasurer shall be elected by the town council for a term of office not exceeding the term of the council by whom he is elected, and shall, before entering upon the duties of his office, give bond with sufficient surety to be approved by the council, in a penalty of such amount as may be fixed by the council from time to time, payable to the town of Iron Gate, conditioned for the true and faithful performance of the duties of his office. The treasurer shall be responsible for the collection of all taxes, licenses and levies and charges for services furnished by the public utilities of the town.

(b) The town treasurer shall receive all moneys belonging to the town which it is his duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him, and pay the same out as the ordinances of the town may prescribe; to keep such moneys safely and account therefor; and to pay all drafts or orders made on him in conformity with the ordinances of the town.

(c) The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct. He shall keep books showing accurately the state of his accounts and the money of the town shall be kept distinct and separate from his own money and he is hereby expressly prohibited from using directly or indirectly the town's



money, checks or warrants in his custody and keeping for his own use and benefit, or that of any person or persons whomsoever, and any violation of this provision shall subject him to immediate removal from office.

(d) The books and accounts of the town treasurer and all papers relating to the accounts and transactions of the town, shall be, at all times subject to the inspection of the mayor, the town council, and such other persons as the council may appoint, to examine the same, and all such books and accounts, together with any balance or moneys on hand, shall be transferred by the treasurer to his successor at every new appointment, or delivered up as the council may at any time require.

(e) The town treasurer shall, when required by the council, render an account to the council showing the state of the treasury and the balance of money on hand. He shall also, if required so to do by the council, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the town council may direct.

(f) The treasurer shall perform such additional duties as may be required of him by the council not inconsistent with the laws of the State.

(g) The town treasurer shall receive for his services such compensation, if any, as the council may deem proper. (1940, c. 99)

#### CHIEF OF POLICE

§ 6. The town council may, by a majority vote, appoint a chief of police. The chief of police shall qualify by taking the oath prescribed by the Code of Virginia and give bond in such amount as the council may require. He shall be vested with powers of a conservator of the peace, and shall have the same powers and discharge the same duties as a constable within the corporate limits of the town and to a distance of one mile beyond the same, and shall perform such other duties as may be from time to time prescribed by the council. (1940, c. 99; 1977, c. 405; 1997, c. 533; 2006, c. 15))

#### CHAPTER IV

##### GENERAL PROVISIONS

§ 1. All contracts and obligations heretofore or hereafter made by the council of the town of Iron Gate, while in office, not inconsistent with this charter, or the constitution, or the general laws of this State shall be, and are hereby declared to be valid and legal. (1940, c. 99)

§ 2. The present bonded indebtedness of the town of Iron Gate in the principal amount of fifteen thousand five hundred dollars (\$15,500.00), represented by bonds dated December 31, 1936, issued for the establishment of a water supply system for the town is hereby ratified, confirmed and approved, and the town of Iron Gate is authorized to refinance or refund said bonded indebtedness by the issuance of new bonds of the town of Iron Gate, in the principal amount of fifteen thousand five hundred dollars (\$15,500.00), by bonds numbered consecutively from one (1) to sixteen (16), bonds numbered one (1) to fifteen (15) of which shall be in the principal amount of one thousand dollars (\$1,000.00) each, and bond number sixteen (16) to be in the amount of five hundred dollars (\$500.00), with bond number one (1) maturing on the thirty-first day of December, 1941, and the remaining bonds maturing annually and consecutively, in their order, on the thirty-first day of December, in each year thereafter, with bond number sixteen (16) in the amount of five hundred dollars (\$500.00) maturing on the thirty-first

day of December, in 1956, which bonds shall bear interest at the rate of four and one-half per centum from their dates, and shall contain such other provisions as to the council of the town of Iron Gate may seem proper; however, the town of Iron Gate shall have authority to issue its bonds for this purpose, in the total principal amount of fifteen thousand five hundred dollars (\$15,500.00), in other denominations and with other maturity dates than as herein prescribed, provided all of the bonds issued hereunder mature within twenty (20) years from the date that this act shall become effective and shall contain such other rate of interest or provision or provisions and terms as to the town council may seem proper and expedient. (1940, c. 99)

§ 3. All ordinances now in force in the town of Iron Gate, not inconsistent with this charter shall be and remain in force until altered, amended or repealed by the council of the said town. (1940, c. 99)

§ 4. 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, said judgment shall not effect, impair or invalidate the remainder of the 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. (1940, c. 99)

§ 5. This act may for all purposes be referred to or cited as the Iron Gate charter of 1940. (1940, c. 99)

§ 6. All acts or parts of acts in conflict with this charter, insofar as they affect the provisions of this charter, and all former charters and amendments thereto for the town of Iron Gate, Virginia, are hereby repealed. (1940, c. 99)

§ 7. An emergency existing, this act shall be in force from its passage. (1940, c. 99)