

LEBANON, TOWN OF  
County of Russell.

Established, 5 Jan 1819.

Charter, 1831, c. 110.

Incorporation and charter, 1835, c. 181.

Incorporation and charter, 1873, c. 96; repealed 1958, c. 343.

Charter, 1958, c. 343.

Amended      1990, c. 17 (§ 2)  
                    1992, c. 259 (§ 2).

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Lebanon, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the town of Lebanon, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. The territory embraced within the present limits of the town of Lebanon is included and bounded by metes and bounds as follows:

BEGINNING at an angle point in the former corporate limits of Lebanon, Virginia, said angle point being a stake in the property of G. H. Dickenson; thence from the point of beginning N 80° 39' 37" E 5650.82 feet to a point in the property of Frank Ketron; thence S 24° 31' 25" E 2167.99 feet to a point on the east side of a private road in the Gilmer property; thence S 70° 48' 45" W 6208.43 feet to a point on the south bank of Cedar Creek in the Con Fields property; thence S 76° 11' 50" W 1318.26 feet to a point on the south bank of Cedar Creek in the Ferguson property; thence N 31° 11' 22" W 985.72 feet to a point in the aforementioned Ferguson property; thence S 67° 47' 43" W 1362.98 feet to a point in the aforementioned Ferguson property; thence N 09° 56' 08" W 642.86 feet to a point on the south bank of Cedar Creek in the aforementioned Ferguson property; thence S 52° 53' 37" W 5912.12 feet to a point on the east side of State Route No. 660, said point being 15.0 feet from the center line of the aforementioned road; thence N 44° 43' 26" W 1217.48 feet to a point on the south right-of-way line of Federal Route No. 19, said point being 33.0 feet from the center line of the aforementioned road; thence N 34° 51' 53" W 2498.63 feet to a point witnessed by the corner common to the Bundy and Garrett properties; thence N 45° 48' 24" E 6139.56 feet to a steel marker in the center of State Route No. 82; thence S 73° 54' 23" E 3262.35 feet to a point witnessed by the corner common to the Russell County School Board and Hendricks properties; thence S 82° 13' 54" E 2033.45 feet to an angle point in the former corporate lines of the town of Lebanon, said angle point being a stake in the lands of G. H. Dickenson, at the beginning. (1958, c. 343)

§ 2. The administration and government of the town shall be vested in a council composed of a mayor and six councilmen, all of whom shall be qualified electors of the town.

(a) The mayor and six councilmen shall be elected by the qualified voters of the town on the first Tuesday in May 1992. The three members of council, each of whom has

received more votes in such election than the other three members, 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 1994, and every two years thereafter, three councilmen shall be elected, each for a term of four years beginning on July 1 next following their election. Each councilman elected as provided in this section shall serve for the term stated or until his successor has been elected and qualified. At the regular municipal election to be held on the first Tuesday in May of 1992, 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 and council in office on the effective date of this act shall continue in office until expiration of their terms and until their successors shall have qualified.

(b) Vacancies in the office of mayor or council shall be filled for the unexpired term by a majority vote of the remaining members. (1958, c. 343; 1990, c. 17; 1992, c. 259)

§ 3. The council shall fix the compensation of the mayor, members of the council, and all appointed officers and employees of said town, at a sum not to exceed any limitations placed thereon by the laws and Constitution of the Commonwealth of Virginia. (1958, c. 343)

§ 4. The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or three councilmen. Not less than twelve hours written notice shall be given to the members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof in writing. (1958, c. 343)

§ 5. The mayor and four members of the council, or five members of the council shall constitute a quorum for the transaction of business. (1958, c. 343)

§ 6. The council shall appoint a clerk, a treasurer and a sergeant and may appoint a town attorney and such other officers as it deems necessary or proper, prescribe their duties and functions and fix their compensation. Such officers shall hold office at the pleasure of the council and shall give such bonds as the council requires. The same person may be appointed to fill two or more such offices, in the discretion of the council. (1958, c. 343)

§ 7. The sergeant shall be a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town and to a distance of one mile beyond the same, as are enumerated in Article 2 of Chapter 17, Title 15 of the Code of Virginia. (1958, c. 343)

§ 8. The mayor in addition to his other duties shall be a conservator of the peace, and shall, unless and until a police justice is appointed as hereinafter provided, have power to issue warrants and summon witnesses; have exclusive original jurisdiction to try cases involving violations of town ordinances, or the collection of town taxes or assessments, or any other form of debts owing to the town; and shall have like powers in the matter of collecting fines and costs imposed by him as are vested by law in the judges of county courts. The fees and costs in connection with such cases shall be the same as

are authorized by law to be charged, taxed and collected by county courts for similar services, and such fees or costs and all fines collected by the mayor shall be promptly paid by him into the town treasury, unless the council by ordinance directs some other disposition thereof. The council may, by resolution duly adopted, appoint any one of its members vice mayor to act in the place and stead of the mayor in the trial and disposition of any warrant charging a violation of a town ordinance, in the event of the mayor's absence, sickness or disqualification. The council may appoint a police justice for the town, who shall be a qualified voter of the town, shall give such bond as the council requires, shall serve at the pleasure of the council, and shall receive such compensation as the council prescribes.

Such police justice shall have, during such time as he serves, and to the exclusion of the mayor, the same powers and jurisdiction as are hereinabove conferred upon and vested in the mayor, and shall exercise the same in like manner as they are above authorized and directed to be exercised by the mayor in that capacity. (1958, c. 343)

§ 9. The Judge of the Circuit Court of Russell County may appoint one or more persons as justices of the peace for the town, who shall have power to issue warrants, commit persons to jail and to admit to bail persons charged with violation of the ordinances of the town. The term of the office of the justices of the peace shall be at the pleasure of the Judge of the Circuit Court of Russell County. No justice of the peace who receives a salary from the town, as a justice of the peace, shall receive any fee for admitting any person to bail or for any services whatever rendered by him in any criminal case. The council shall have the authority to fix the compensation of justices of the peace appointed hereunder. (1958, c. 343)

§ 10. The town is empowered to acquire, establish, enlarge, maintain and operate such water works and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes.

The town may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues. (1958, c. 343)

§ 11. The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service. Sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues. (1958, c. 343)

§ 12. In the event the fees, rents or charges, charged for the use and service of the public water system or sewage disposal system, by, or in connection with, any real estate shall not be paid when due, interest shall accrue thereon at the rate of not more than one percent per month. Such fees, rents and charges, and the interest due thereon may be recovered by the town of Lebanon by action at law, or suit in equity, and shall constitute a lien against the property, of equal dignity as liens for unpaid town or county taxes. (1958, c. 343)

§ 13. Subject to the provisions of § 25-233 of the Code of Virginia, the town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to make reasonable charges for the use of such facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper or expedient; and shall have power to acquire by condemnation or otherwise, rights of way from the town to any property acquired by it under any of the provisions of this charter, which lies without its corporate limits, and to construct and maintain upon such rights of way, such roads or bridges as may be reasonable necessary for the full enjoyment thereof; and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so. (1958, c. 343)

§ 14. To the extent not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation of motor vehicles carrying passengers or freight for hire upon its streets and alleys, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight; (b) to regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town, for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as conforms to standards set by the council; and (c) to prescribe rules and regulations with respect to motor traffic of all kinds, within the town, and the parking of motor vehicles on its streets and alleys. (1958, c. 343)

§ 15. The town is empowered (a) to regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits; (b) except as prohibited by general law, to impose and collect such license tax as the council may determine for the privilege of engaging within the town in any business, trade, profession or calling upon which the State imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such activity, than that imposed by the State on the same activity. (1958, c. 343)

§ 16. The town is empowered (a) to provide a building code for the town; to provide for the orderly and safe construction of houses and other buildings; to prescribe setback lines on designated streets; to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and (b) to adopt a comprehensive plan concerning the sub-division of lands within the corporate limits of the town or within two miles thereof. (1958, c. 343)

§ 17. The town is empowered (a) to enact such ordinances as may be necessary for the protection of public or private property within the town and to prescribe penalties for violations; provided, however, that no punishment so prescribed shall be greater than that permitted by the general laws of the Commonwealth for like offenses; (b) to prohibit minors from frequenting or loitering in public pool rooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same; and (c) to compel persons sentenced to

confinement in jail for violations of town ordinances, to work on the streets or other public places of the town. (1958, c. 343)

§ 18. The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection; and any such encroachment made without such consent shall be deemed a nuisance, which the town may compel to be abated and removed by and through appropriate court action or proceeding, against which right of the town no statute of limitation shall run. (1958, c. 343)

§ 19. The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town. (1958, c. 343)

§ 20. The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and by-laws for the purpose of carrying into effect the enumerated powers conferred upon the town by this charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, by-laws and resolutions made and adopted by the council shall become effective thirty days after their passage, unless a different date is specified in any such ordinance, by-laws or resolution, upon which the same shall become effective. (1958, c. 343)

§ 21. The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have such knowledge of civil, mechanical and electrical engineering as, in the opinion of the council, shall be requisite to the efficient discharge of his duties. During his term of office he shall reside within the corporate limits of the town, and shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no suspension or removal shall be effected until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council in suspending or removing the town manager shall be final. The council, in its discretion, may place the control and supervision of the police force of the town under either the mayor or the town manager.

Except as otherwise provided in this charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council in an efficient manner. The salary or compensation, and the terms of office or employment of such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council. (1958, c. 343)

§ 22. All ordinances now in force in the Town of Lebanon, not inconsistent with this charter shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this act. (1958, c. 343)