

MOUNT CRAWFORD, TOWN OF  
County of Rockingham.

Established, 1825, c. 85, p. 89.

Incorporation and charter, 1895, c. 7.

Charter, 1920, c. 473 (amends 1895 charter).

Amended 1974, c. 208 (§§ 3, 4, 5)

1999, c. 302 (§ 3).

§ 1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits set forth and described in section second of this act be deemed and taken as the town of Mount Crawford, and the inhabitants of the town of Mount Crawford, for all purposes for which towns are incorporated in this Commonwealth, shall be a body politic in fact and in name, under the denomination of the town of Mount Crawford, and as such shall have and exercise and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations incumbent upon and pertaining to said town as a municipal corporation. (1920, c. 473)

§ 2. The boundaries of said town shall be as follows, namely: Beginning at the ford crossing North river below Plecker's bridge; following north side of road to Valley turnpike, crossing turnpike to line between J. W. Sherman and Mrs. S. Craun's property; thence on this line to Cook's creek, following up the channel of said creek to culvert at corner of Benjamin Switzer's barn-yard; thence following J. A. Switzer's line to a corner between J. A. Switzer and William Branson; thence crossing road, following line between J. B. Roller and Baptist church to a point in Peter Roller's property on a line with Bridgewater road; from this point to intersection of Bridgewater road and Valley turnpike; from this point a direct line to a point dividing the lands of Samuel Whitmer and Daniel Landes; following this line to river, then down channel of river to the ford at the beginning. (1920, c. 473)

§ 3. The government of said town shall be vested in a mayor and six councilmen, who shall be residents of and voters in said town to be chosen by ballot on the first Tuesday in November as hereafter provided, their term of office to begin on the first day of January following their election. The mayor shall be elected for a term of two years. Councilmen shall be elected for terms of four years. In order to transition from a May to November election date, any mayor or councilman elected in 1994 for a four-year term, or in 1996 for a two-year term, shall hold office until his successor has qualified. His successor shall be elected on the Tuesday after the first Monday in November 1998 and shall take office on the January 1 following his election. Any councilman elected in 1996 for a four-year term shall hold office until his successor has qualified. His successor shall be elected on the Tuesday after the first Monday in November 2000 and shall take office on the January 1 following his election. Each councilman and the mayor elected as provided herein shall serve for the term stated or until his successor has been elected and qualified. Any person entitled to vote in the county of Rockingham, and residing in the corporate limits of the town of Mount Crawford, shall be entitled to vote at all elections under this act of incorporation. In case a vacancy shall occur in any municipal office, the council shall elect a qualified person to fill the office for the unexpired term. The mayor and councilmen of said town, before entering upon the duties of their offices, shall be

sworn in accordance with the laws of the Commonwealth. At the first meeting of the council following qualification of each newly elected mayor, the council shall select from its own number a vice-mayor who shall serve at the pleasure of the council. The vice-mayor shall act as mayor during the mayor's absence or disability and shall retain his right to vote. The mayor and three of the councilmen shall constitute a quorum to do business. They shall appoint their time of meeting, which shall be once at least in every month, and when necessary the mayor or any three councilmen may call a meeting. In the absence of the mayor or vice-mayor, one of the councilmen shall preside as mayor pro tempore. The mayor and the council shall have and exercise all the rights and powers conferred upon said officers by this act until their successors in office are duly elected and qualified under the provisions of this act. (1920, c. 473; 1974, c. 208; 1999, c. 302)

§ 4. The said council shall select from their own number or from the qualified voters a treasurer and town clerk and from the qualified voters elect a town sergeant and a commissioner of revenue. The treasurer shall execute his bond before he enters upon the duties of his office in a penalty double the amount of the revenue of the said town the preceding year for the faithful discharge of his duties. The sergeant, elected as aforesaid, before he enters upon the duties of his office, shall execute his bond, with security to be approved by the council, in a sum double the amount of the revenue of the said town the preceding year, and conditioned for the faithful discharge of the duties of his office. The commissioner of the revenue shall perform all the duties in relation to the assessment of the property or the purpose of levying the town taxes that may be ordered by the council. Ail appointed officers shall serve at the pleasure of the council. (1920, c. 473; 1974, c. 208)

§ 5. The council of the said town shall have all of the general powers vested in it by the laws of the State, and it shall also have the power to mark accurately the bounds of existing streets, and to compel the removal of obstructions therefrom, to close or extend, widen or narrow, lay out and graduate, pave and otherwise improve streets and public alleys in the town; and for these purposes, upon first paying a just compensation therefor, it may take private property as may be necessary; and no order shall be made, and no injunction shall be awarded by any court or judge to stay the proceedings of the town in the prosecution of such works, unless it be manifest that the interposition of a court is necessary to prevent injury that cannot be repaired in damages. The method of ascertaining what will be a just compensation for private property thus taken shall be as follows: After reasonable notice in writing by the town clerk to the owner of the freehold whose property is proposed to be taken, or to his tenant or agent, the mayor of the town shall, at the time and place mentioned in said notice, proceed to appoint two freeholders of the town as commissioners, one of whom may be nominated by the owner of the freehold, or by his tenant or agent, if either be present, whose duty it shall be to view the property proposed to be taken, and ascertain what will be a just compensation therefor, and to the damage to the residue of such owner's property, beyond the peculiar benefits to be derived in respect to such residue from the work to be done. Said commissioners, if they cannot agree, may select a third freeholder as commissioner to act with them, and shall, as soon as possible, report their proceedings to the council. When such a report has been returned the council may, by a majority of its members, either reject or accept said report. If the report be rejected the council may refer the matter to another commission, appointed in the same way and for the same purpose as the first. If the report be

confirmed, the amount ascertained by it to be a just compensation for the property shall be paid to those entitled thereto before work shall be begun on or through said property. (1920, c. 473; 1974, c. 208)

§ 6. The said council shall have the power to provide against and prevent accidents by fire, to regulate and establish markets, to prevent the running at large of hogs, dogs, horses, cows, or other animals; to prevent the cumbering of streets, sidewalks, and alleys in any manner whatever; to make sanitary regulations in reference to contagious or other diseases; to regulate the building of houses, stables, privies, hog-pens and slaughter-houses; to abate nuisances at the expense of those who cause them; to appoint police and prescribe their duties and compensation; and to make, pass and ordain such laws as they may deem necessary and proper for the internal and general good, safety, health and convenience of the said town and inhabitants thereof, and for enforcing the provisions of this charter. They shall punish all violations of law by fine or imprisonment, or both, at the discretion of the mayor, subject to the general laws of this State. The authorities of said town shall have the use of county jail of Rockingham county for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town. Whenever judgment shall be rendered against any person for fines, and there are no visible effects which the sergeant may distrain and sell therefor, the person so in default may be compelled to work out such fines on the public streets or other improvements, and to suffer in addition such terms of imprisonment as may be prescribed by the ordinances of said town. (1920, c. 473)

§ 7. The corporate limits of said town are hereby created and declared to be a separate and distinct road district of Rockingham county, and no road tax shall be levied on any property within said limits, except by the council of Mount Crawford, which tax shall be expended within the limits of the corporation on the streets and roads therein, exclusive of the bridges across North river and Cook's creek, under the supervision and direction of the town council. For his services, any overseer of roads and streets, appointed by the council of the town, shall be entitled to such compensation as the council may agree to pay. The council shall have control of all streets and roads within the corporate limits of said town, subject, however to the charter rights of the Valley turnpike company. (1920, c. 473)

§ 8. The council shall have power to levy such taxes as it may deem necessary for the purposes of the corporation; provided that no tax upon the real and tangible personal property in said town shall exceed one hundred cents on the one hundred dollars assessed value thereof. (1920, c. 473)

§ 9. The jurisdiction of the corporate authorities of said town shall extend one mile beyond the limits thereof for imposing and collecting a license tax upon all shows, performances, and exhibitions which may take place anywhere within said extended boundaries; and they shall also have the power of imposing a license tax upon bowling, billiard, and bagatelle saloons, or on any similar game or play recognized or taxed by the laws of the State, anywhere within the said extended boundaries. (1920, c. 473)

§ 10. Any person applying to the county court of Rockingham county, or any other authority, for license to sell wine, ardent spirits, or liquors of any kind, either as a keeper of an ordinary eating-house, or a merchant, within the corporate limits of said town, or within one mile thereof, shall produce and present to said court a certificate of the council of said town, signed by a majority of the council, to the effect that the

applicant is a suitable person, and that no good reason is known to said council why said license should not be granted; and the court of said county, or other authority, shall not grant any license to sell liquors, wines, or ardent spirits within the limits above prescribed, until and unless such certificate is given. (1920, c. 473)

§ 11. The mayor shall be the presiding officer of the council, and he shall have power to suspend any officer of said corporation for neglect of duty or disorderly conduct. The council shall have power to remove all officers, and may fine members of their own body for disorderly behavior, and with the concurrence of two-thirds expel a member. The mayor shall have no vote except in the case of a tie. The mayor shall have the authority and be vested with all the powers of a justice of the peace within the precincts of said town and for one mile around the corporate limits thereof, and shall have like powers with a justice of the peace to commit any person charged with an offense before him to the county jail, or let to bail on recognizance to appear before the county court. (1920, c. 473)

§ 12. The sergeant of said corporation shall have the like powers of a constable of said county to pursue and arrest anywhere in said county of Rockingham all offenders for offenses committed within the last aforementioned corporate limits, and to convey any one so ordered to be committed to the county jail, there to be dealt with as if committed by a warrant of a justice of the peace. (1920, c. 473)

§ 13. Any member of the council being voluntarily absent from three consecutive meetings, his seat shall be deemed vacant and the unexpired term filled according to law. (1920, c. 473)

§ 14. The town council shall grant and pay to all officers elected or appointed in pursuance of this act such salaries or compensations as the said council may from time to time deem just and proper, or shall be fixed by this act. (1920, c. 473)

§ 15. The following named persons are hereby appointed as mayor and councilmen of said town: H. M. Rogers is appointed mayor; M. Lindon, W. E. Shinnick, D. M. Shipplett, G. W. Showalter, J. C. Wise, and J. A. Helms are appointed councilmen; and the said mayor and councilmen shall have and exercise all the powers granted to said officers by the provisions of this act, and shall continue in office until the first day of July, 1896, or until their successors are duly elected and qualify according to law. (1920, c. 473)

§ 16. Be it further enacted, that all acts and parts of acts concerning the town of Mount Crawford, in the county of Rockingham, which are in conflict or contrary to the provisions of this act shall be, and the same are hereby repealed. (1920, c. 473)

§ 17. This act shall be in force from its passage. (1920, c. 473)