

of Mill Creek and west bank of Shenandoah River; thence down the river as follows: N. 53 3/4° W. 414' to a stake; thence N. 20 1/4° W. 392' to a stake; thence N. 19 3/4° E. 117' to a stake; thence N. 20 1/2° E. 750' to a point in the Street or Road at the west end of Bridge; thence N. 6° E. 560' to a stake; thence N. 10° E. 560' to a stake; thence N. 32° E. 254' to a stake; thence N. 78° E. 590' to a stake; thence N. 75 1/2° E. 346' to a stake; thence S. 83 1/2° E. 650' to a stake; thence S. 54 1/4° E. 183' to the beginning. (1952, c. 574)

ARTICLE III ADMINISTRATION AND GOVERNMENT

§ 1. The present mayor and councilmen of the town of Mount Jackson shall continue in office and exercise all the powers conferred by this charter and the general laws of this State until the first day of July in the final year of the term for which they were elected, or until their successors are duly elected and qualified. (1952, c. 574; 1971, c. 145)

§ 2. There shall be elected by the qualified voters of the town of Mount Jackson, one elector of the town, who shall be denominated mayor, and six other electors, at large, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council, who shall hold office for a term of four years from the first day of July next following the date of their election, and until their successors have been duly elected and qualified. In the year 1972 and every second year thereafter, a municipal election of councilmen shall be held on the first Tuesday in May. In the year 1974 and every fourth year thereafter, a municipal election of mayor shall be held on the first Tuesday in May. They shall enter upon the duties of their offices on the first of July next succeeding their election and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. Any person elected or appointed under the provisions of this charter who fails to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed. (1952, c. 574; 1970, c. 108; 1971, c. 145; 1976, c. 575)

§ 3. All elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law. (1952, c. 574; 1976, c. 575)

§ 4. The council may fine its members for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any member be expelled, a new election to fill the vacancy shall be held on such day as ordered by the court. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. In the event of the failure of the council to fill such vacancy within fifteen days then the circuit court shall make such appointment to fill the vacancy. A vacancy in the office of mayor shall be filled by the council from the electors of the town. (1952, c. 574; 1981, c. 200)

§ 5. A majority of the members of the council shall constitute a quorum for the transaction of business. (1952, c. 574)

§ 6. Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct. The councilmen and the mayor shall, in addition to their salaries, be entitled to reasonable reimbursement for all expenses incurred in transacting the duties of the office. (1952, c. 574; 1970, c. 108; 1976, c. 575; 1978, c. 81; 1981, c. 200)

§ 7. The mayor shall be chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this chapter. He shall preside over the meetings of the town and shall have the same right to speak therein as members of the town council, but shall not vote, except in the case of a tie. He shall have the power to veto any measure passed by the council. He shall be recognized as the head of the town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officials are faithfully performed. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, shall authenticate, by his signature, such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require. (1952, c. 574; 1976, c. 575; 1981, c. 200)

§ 8. Every measure shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, within five days, to the town clerk who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such measure. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the measure, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the measure shall be entered on the minute book of the council. If any measure shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council shall expire within said five days. (1952, c. 574; 1981, c. 200)

§ 9. The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town. (1952, c. 574)

§ 10. The council shall, by ordinance, fix the time and place for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when the council may choose

to meet in executive session as provided for in § 2.1-340 et seq. of the Code of Virginia. (1952, c. 574; 1976, c. 575)

§ 11. The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed. (1952, c. 574)

§ 12. The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of five hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council. (1952, c. 574; 1981, c. 200)

§ 13. There shall be appointed by the council at its first meeting in July, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of one year. The council may provide a salary for the treasurer. The treasurer shall be bonded, with surety and in such penalty as the council prescribes. The treasurer shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. The treasurer shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by vote direct. (1952, c. 574; 1976, c. 575; 1981, c. 200)

§ 14. The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once during each year by a certified public accountant selected by the town council, and such certified public accountant shall make an examination and audit report to the council annually. (1952, c. 574; 1981, c. 200)

§ 15. The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds. (1952, c. 574)

§ 16. There shall be appointed by the council, at its first regular meeting in July after its election, a clerk of the council, who shall hold office for a term of one year. The clerk shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. The clerk shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. The clerk's compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council. (1952, c. 574; 1976, c. 575; 1981, c. 200)

§ 17. There shall be appointed by the council at its first regular meeting in July or as soon as practicable thereafter, a chief of police who shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council. (1952, c. 574; 1976, c. 575; 1981, c. 200)

§ 18. (1952, c. 574; repealed, 1976, c. 575)

§ 19. The council may appoint or select such other officers as may be necessary, including a town attorney, a town manager and a business manager for the town, and fix their salaries and define their duties. (1952, c. 574; 1976, c. 575)

§ 20. All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by

the council, the same shall become effective thirty days from its passage. If it is determined by the council that an emergency exists, then the act, ordinance, resolution, or bylaws shall take effect immediately. (1952, c. 574; 1981, c. 200)

ARTICLE IV

TAXATION AND FINANCES

§ 1. (1) The Town Council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(2) To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law, and to publish the same.

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

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

(5) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and the laws of this State concerning bonds issued by towns, upon 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.

(6) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, 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 said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

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

(8) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, if permitted by general law, exceed the State license, if any be required, and may provide penalties for any violation thereof.

(9) 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 limits of the town; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

(10) To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is

not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

(11) Licenses may also be imposed upon and a fee therefor collected from persons, firms, or 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 the town, but there shall be no license tax imposed upon those who sell or offer the sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale, nor, shall there be imposed any license tax upon any dairyman who uses upon the streets of the town one or more wagons and/or trucks in selling and delivering from his wagons and/or trucks milk, butter, cream and eggs in such town.

(12) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(13) A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general laws of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1952, c. 574)

ARTICLE V PROPERTY

§ 1. The Town Council shall have the following powers:

(1) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within or without the town, for any purpose of the town, not inconsistent with the general law, and the Constitution of Virginia, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(2) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, 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 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, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise. (1952, c. 574; 1981, c. 200)

ARTICLE VI UTILITIES

§ 1. The Town Council shall have the following powers:

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

(2) 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 town may deem necessary for the purpose of providing an adequate water supply to the town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits to connect therewith, for the distribution of water to its customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations promoting the purity of its 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 watershed, 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 power herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights of way, riparian and other rights and easements necessary for aid purposes, and to charge and assess and collect

reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) 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 charge directly against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, encumber, or otherwise dispose of, either within or without the town, any and all public utilities for the town, and to sell the services thereof any existing franchises to the contrary notwithstanding, if permitted by the terms thereof. (1952, c. 574)

ARTICLE VII STREETS

§ 1. The Town Council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within the streets and highways within the town; and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets. (1952, c. 574)

ARTICLE VIII BUILDING REGULATIONS

§ 1. The Town Council shall have the following powers:

(1) To regulate the size, height, materials and construction of fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or reconstructed any

building, structure or addition thereto which by reason of dilapidation, defect or structure, or other causes may become dangerous to life or property, or which may be erected contrary to law.

(2) If permitted by general law, to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) To make and adopt a comprehensive plan for the town and to that end all plats and replats hereafter made subdividing any land within the town, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Shenandoah County, Virginia.

(4) To issue, or refuse (in case of noncompliance with building requirements) to issue, permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1952, c. 574; 1981, c. 200)

ARTICLE IX

ADDITIONAL POWERS

§ 1. In addition to powers elsewhere mentioned in this charter and the powers conferred by general law and the Constitution, the town shall have the following powers:

(1) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein 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 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 the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of bill boards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(2) To extinguish and prevent fires, and to establish, regulate and control a fire department or division; to establish and designate from time to time fire limits; to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

(3) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline, and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

(4) [Repealed.]

- (5) To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.
- (6) To provide and maintain either within or without the town charitable, recreative, curative, corrective, detention or penal institutions.
- (7) [Repealed.]
- (8) [Repealed.]
- (9) [Repealed.]
- (10) [Repealed.]
- (11) To exercise full police powers and establish and maintain a department or division of police.
- (11-a) To offer and pay rewards for the apprehension of criminals.
- (12) [Repealed.]
- (13) [Repealed.]
- (14) [Repealed.]
- (15) [Repealed.]
- (16) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.
- (17) To pass and enforce all 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 the citizens and their property, and to do such other things 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 officers, thereof, or which may be necessarily incident to a municipal corporation.
- (18) To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, government, peace, health, trade, commerce, or industries of the town, or its inhabitants.
- (19) [Repealed.]
- (20) [Repealed.]
- (21) To establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.
- (22) [Repealed.]
- (23) [Repealed.]
- (24) To require every owner or operator of motor vehicles residing in the 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 town, or such other person as may be designated by the council; to issue such license, and to require the owner to pay the annual license fee therefor to be fixed by the council, provided that the license fee shall not exceed the amount charged by the State on such machines. The council shall have the right to require the operator of the motor vehicle to attach a proper license plate on a conspicuous part of the motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less than three months.
- (25) Insofar as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or

alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare and safety.

(26) To make and enforce ordinances, not inconsistent with the laws of this State.

(27) To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the council given by this charter, or any State law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter, the penalty not to exceed that authorized by general law.

(28) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which, under the Constitution and laws of this State, it would be competent for this charter specifically to enumerate. (1952, c. 574; 1976, c. 575; 1981, c. 200)

ARTICLE X ACTIONS AGAINST TOWNS

§ 1. (1) No actions shall be maintained against the town for damages for any injury to any person or property, or for wrongful death, alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent, or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1952, c. 574)

ARTICLE XI MISCELLANEOUS

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

(2) That nothing contained in this act, shall be construed to invalidate or to, in any manner, affect the present existing indebtedness, and liabilities of the town of Mt. Jackson, whether evidenced by bonded obligations or otherwise.

(3) All ordinances in force in the town of Mt. Jackson, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the council.

(4) This act may for all purposes be referred to or cited as the Town of Mt. Jackson Charter of 1952. (1952, c. 574)