

PEARISBURG, TOWN OF  
County of Giles.

Established, 1808, c. 51.

Incorporation and charter, 1835, c. 180; repealed 1837, c. 316; revived 1850, c. 279;  
repealed 1872, c. 337.

Charter, 1850, c. 279; repealed 1872, c. 337.

Charter, 1872, c. 337; repealed 1898, c. 482.

Charter, 1898, c. 482; repealed 1914, c. 192.

Charter, 1914, c. 192; amended 1932, c. 63.

Charter, 1932, c. 63; repealed 1946, c. 328.

Charter, 1946, c. 328.

*Editor's note: Chapter 328 of the 1946 Acts of Assembly did not create a § 5.*

Amended 1950, c. 73 (§ 3)

1956, c. 94 (§ 2)

1973, c. 91 (§§ 2, 3, 8)

2009, c. 234 (§§ 15, 21 [repealed]).

§ 1. The inhabitants of the territory embraced within the present limits of the Town of Pearisburg, 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 Pearisburg, 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 Pearisburg is described by metes and bounds as follows:

Beginning at an iron pipe stake in the center of a water oak stump, the same being the northern corner of "King Heights" subdivision and in a line of the land of D. W. Mason, then with Mason's lines, south seventeen degrees and twenty minutes east one thousand, five hundred, seventy-eight and twenty-five one-hundredths feet to a white oak; thence south six degrees and fifty-eight minutes east seven hundred, thirty-eight and one-tenth feet to an iron pipe stake in the northern right-of-way line of State Highway number eight; thence crossing the highway and continuing the same direction, south six degrees and fifty-eight minutes east one thousand, two hundred sixty-three and two-tenths feet to a hub in line of the Mistress Daisy Claypool land; thence with said line, south thirty-five degrees and forty-six minutes east one thousand, three hundred, twenty-nine and six-tenths feet to an iron pipe stake six and three-tenths feet northeast of a red oak and one and five-tenths feet southwest of a dead red oak, a corner of the said Mistress Daisy Claypool land and the land of Frank Pack; thence with Pack, south thirty-nine degrees east seven hundred, seventy-four and three-tenths feet to a post; thence south seventy-nine degrees and forty-four minutes east three hundred, seventy-nine and four-tenths feet to the head of a spring; thence south forty-eight degrees and ten minutes east one hundred, thirty-seven and twenty-five one-hundredths feet to a nail and cap in road; thence south fifty-six degrees and ten minutes east three hundred and thirty feet to a nail and cap in said road; thence south eleven degrees and ten minutes east one hundred,

ninety and nine-tenths feet to an iron pipe stake in old road bed, a corner of the lands of Frank Pack and Arch Pack; thence with the latter, south forty-four degrees and twenty-seven minutes west one thousand, three hundred, sixty-four feet to a post at draw bars in fence; thence south eighty-nine degrees and sixteen minutes west five hundred, fifty and five-tenths feet to an iron pipe stake in fence, six feet northward from a marked chestnut in a line of the land of Martha Santolla Williams; thence with her lines, north twelve degrees and five minutes east three hundred, fifty-four and two-tenths feet to an iron pipe stake in an old chestnut stump; thence north eighty degrees and fifty minutes west one thousand, thirty-two and two-tenths feet to an iron pipe stake three feet southward from a locust; thence north seventeen degrees and five minutes west seven hundred, forty-six and four-tenths feet to a post thirty-four feet eastward from a large white oak; thence south seventy-six degrees and ten minutes west two thousand, nine hundred, eighty-eight and eight-tenths feet to an iron pipe stake by the south sided of a post, a corner of the land of Robert A. Johnston and Nannie Buchanan Ballard; thence with the latter, north twenty-nine degrees west three hundred, seventy-one and six-tenths feet to an iron pipe stake one and five-tenths feet west of an old black oak; thence with Ballard north sixty degrees and fourteen minutes east one thousand, one hundred, seventy-eight and nine-tenths feet to a post near a large white oak; thence north seventeen degrees and forty-two minutes west one thousand, two hundred, thirteen and nine-tenths feet to a locust post, corner to the J. W. Scott and Sam Thompson lands; thence approximately north eighty-four degrees west approximately four thousand, eight hundred feet to an iron pipe stake; thence north twenty degrees east four thousand, three hundred, fifty feet, crossing State Highway number eight and on to a hub in a line between the Negro cemetery and the lands of Doctor H. G. Johnston; thence through the H. G. Johnston land and the James D. Johnston estate land, north seventy-two degrees and twenty minutes east two thousand, three hundred, fifty-four feet to a locust hub in the Old Mill Road; thence north sixty-seven degrees and twenty minutes east four hundred, fifty-six feet to a chestnut; thence north twelve degrees and thirty-five minutes east four hundred, ninety-five feet to a hub; thence north fifty-seven degrees and fifty minutes east four hundred, forty-five feet to a hub on a line of the land of F. W. Carper; thence with his line in part and in part with a line of Stafford land, south thirty-two degrees and eight minutes east one thousand, seven hundred, sixteen and five-tenths feet to a fence post; thence through the Stafford land and the A. E. Shumate land south seventy-six degrees and fourteen minutes east three thousand, two hundred, forty-two feet to the beginning. (1946, c. 328)

§ 2. The administration and government of the town shall be vested in a council which shall consist of seven members, six of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. Each councilman may receive a salary for his services as such, the amount thereof to be fixed by the council, but in no event to be in excess of six hundred dollars per year. (1946, c. 328; 1956, c. 94; 1973, c. 91)

§ 3. The councilmen and the mayor shall be elected by the qualified voters of the town on the first Tuesday in May and the mayor shall be elected every four years beginning in 1974. Members of the council shall be elected for terms of four years, but upon the first assembling of the council elected in June 1905, the members thereof shall be divided into two equal classes to be determined by lot and the terms of the members of the first class shall be two years and that of the members of the second class four years.

Thereafter the terms of all the members of each class shall be four years. The present mayor and councilmen shall continue in office until the expiration of the terms for which they were respectively elected. (1946, c. 328; 1950, c. 73; 1973, c. 91)

§ 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 any three councilmen. At least twelve hours' written notice shall be given to the other 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. (1946, c. 328)

§ 6. The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bonds as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council. (1946, c. 328)

§ 7. The council shall appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. 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 were formerly had and performed by constables. He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council. (1946, c. 328)

§ 8. The mayor 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, and 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 trial justices. 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 trial justices for similar services, and such fees, 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; provided that the council may, at any time it deems the same expedient, appoint a police justice for the town, who shall give such bond as the council requires, shall serve during the pleasure of the council, and shall receive such compensation as the council prescribes.

In the event of the appointment of such police justice, he 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. (1946, c. 328; 1973, c. 91)

§ 9. In addition to, and supplementary of the powers conferred upon towns and town councils by general law, the Town of Pearisburg and its council shall have the powers set forth in the following sections of this charter. (1946, c. 328)

§ 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, provided that the rates charged consumers without the corporate limits shall not be less than, nor more than double, the rates charged consumers within the town for similar services, any or all of which rates the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues. (1946, c. 328)

§ 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 towns, 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, of the reasonableness of which, the council shall be the sole judge; and 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.

The town is empowered to acquire by condemnation or otherwise, such properties or interests or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines. (1946, c. 328)

§ 12. 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 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 reasonably 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. (1946, c. 328)

§ 13. Insofar as not expressly prohibited by general law, the town is empowered (a) to control and regulate the operation upon its streets and alleys, of motor vehicles carrying passengers or freight for hire, 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 meets with the approval of 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. (1946, c. 328)

§ 14. 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 or within one mile thereof; (b) except as prohibited by general law, to impose and collect a license tax for the privilege of doing within the town, anything 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 thing, than that imposed by the State on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council. (1946, c. 328)

§ 15. The town is empowered 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; and to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections. (1946, c. 328; 2009, c. 234)

§ 16. The town is empowered (a) to prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town; (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; (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. (1946, c. 328)

§ 17. 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 to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town, no statute of limitation shall run. (1946, c. 328)

§ 18. 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. (1946, c. 328)

§ 19. 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 bylaws 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, bylaws 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, bylaws or resolution, upon which the same shall become effective. (1946, c. 328)

§ 20. Town manager.

(a) 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 some knowledge of civil, mechanical and electrical engineering. He need not, when appointed, be a resident of the town, or of the State of Virginia, but shall during his term of office, 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 order of suspension or removal shall be made 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, suspending or removing the town manager, shall be final. The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) 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 all their respective details, in an economical and satisfactory manner. The salary or compensation, and 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, and he shall be accountable to the council only. (1946, c. 328)

§ 21. (1946, c. 328; repealed 2009, c. 234)

§ 22. All ordinances now in force in the Town of Pearisburg, 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. (1946, c. 328)