



division line of said Short and Rogers to corner of Rogers and J. T. Hilliards; thence east with division lines of said G. N. Rogers and J. T. Hilliards; Jno. P. Foltz and P. W. Yates; Jno. P. Foltz and T. M. Offenbackers' estate; crossing the railroad, Jno. P. Foltz and Geo. V. Good's estate; Jno. P. Foltz and Gilbert Good; and continuing in a direct line through the lands of James Dunavan to division line between Dunavan and L. V. Kite; thence south with said line to corner of said Dunavan's land in said L. V. Kite line; thence southward in a direct line to the beginning. (1926, c. 395)

## CHAPTER 2.

### Government.

§ 3. The government of said town shall be vested in a Town Council, which shall be composed of the Mayor and five Councilmen, each of whom shall be qualified voters within the said town. (1926, c. 395; 1956, c. 258)

§ 4. The municipal officers of said town shall consist of five councilmen; a mayor; a treasurer, and a police chief; which latter two are to be appointed by the said council. (1926, c. 395; 1956, c. 258; 1993, c. 676)

§ 5. Election term of councilmen; council a continuous body.

At the regular municipal election to be held on the first Tuesday after the first Monday beginning November 2004, the mayor and two members of council shall be elected by the qualified voters. The councilmen thus elected shall serve as members of the council for terms of four years each commencing January 1, 2005.

At the regular municipal election to be held on the first Tuesday after the first Monday in November 2006, three councilmen shall be elected for a term of four years each with their terms commencing January 1, 2007.

On the first Tuesday following the first Monday of November every two years thereafter, either two or three councilmen shall be elected, depending upon the number of councilmen whose terms shall expire in that year, for terms of four years each. Terms of office shall begin on the first day of January next following their election and each shall serve for the terms stated or until his successor has been elected and qualified.

Any council member whose term of office would have expired but for the adoption of this provision by amendment of the charter shall have his term of office extended for six months until December 31 of the year in which his term otherwise would have expired on June 30.

The council shall be a continuous body. No measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. (1926, c. 395; 1948, c. 14; 1956, c. 258; 1971, c. 146; 2005, c. 627)

§ 6. No person shall be eligible to hold an elective office unless he is a duly qualified voter of the said town. (1926, c. 395)

§ 7. The council may also appoint such other officers, agents and employees, as may be necessary to conduct the business of the town, fix their compensation, and prescribe their duties, and may appoint such committees of the council and create such boards and departments of town government and administration with such duties and powers and subject to such regulations as it may see fit, consistent with the provisions of this act. The terms of all officers, agents and employees appointed or employed by the council, unless sooner removed from office as provided for herein, shall expire with the council. The duties and compensation of all municipal officers, except as herein defined

or provided for, shall be defined and prescribed by the town council. All officers, agents, and employees, appointed by the council of the town may be removed by majority vote of the council for good cause. (1926, c. 395)

### CHAPTER 3.

#### Oath of Mayor, Councilmen, et cetera.

§ 8. The mayor, police chief, and treasurer, shall take the oath prescribed by law for all State officers, and the councilmen and all other officers shall take an oath faithfully to execute the duties of their respective offices to the best of their judgment. (1926, c. 395; 1993, c. 676)

§ 9. The court or person administering the oath, required by § 8, shall make duplicate certificates of the oaths taken by the mayor, police chief and treasurer, and the person taking the same shall deliver the certificates to the clerk of the council, who shall file all of the certificates among the records of the town, and shall deliver the copy of the oath of the mayor, police chief and treasurer, to the clerk of the circuit court of Page County, to be filed and preserved. (1926, c. 395; 1993, c. 676)

§ 10. If any person elected or appointed to any office in the said town shall neglect to take such oath on or before the date on which he is to enter upon the discharge of the duties of the office or shall for twenty days after the beginning of his term of office, fail to file such bond with security as may be required of him, by the council of the said town, he shall be considered as having declined said office, and the same shall be deemed vacant and such vacancy shall be filled as prescribed in this charter, or by the general laws of this State. (1926, c. 395)

### CHAPTER 4.

#### Records, Books, et cetera.

§ 11. If any person having been an officer, agent or employee of the said town, shall not within ten days after he shall have vacated or been removed from office, and upon notification or request of the clerk of the council, or within such time thereafter as the council may allow, deliver over to his successor in office or the clerk of the council all property, books and papers belonging to the town or appertaining to such office in his possession or under his control, he shall forfeit and pay to the town a sum not exceeding five hundred dollars to be sued for and recovered by the said town with costs; and all books, records and documents used in any office by virtue of any provision of this act or any ordinance or order of the town council or any superior officer of the said town, shall be deemed the property of said town, appertaining to the said office and the chief officer thereof shall be held responsible therefor. (1926, c. 395)

### CHAPTER 5.

#### Mayor.

§ 12. Election and term of office.

The mayor shall be elected at the regular municipal election by the qualified voters for a term of four years beginning on the first Tuesday following the first Monday in November in the year 2004 and every four years thereafter. The term of any mayor in office at the time of the amendment of this charter provision whose term of office would have expired but for the adoption of this charter amendment shall have his term of office extended for six months. (1926, c. 395; 1956, c. 258; 1971, c. 146; 2005, c. 627)

§ 13. His salary shall be fixed by the town council and shall not be diminished during his term of office, without his consent. (1926, c. 395)

§ 14. (1926, c. 395; 1930, c. 204; repealed 1973, c. 272)

§ 15. (1926, c. 395; repealed 1973, c. 272)

§ 16. (1926, c. 395; repealed 1973, c. 272)

§ 17. The mayor shall see that the by-laws and ordinances of the town are fully executed and enforced, and shall preside over the meetings of the town council, voting only in case of a tie. (1926, c. 395)

§ 18. The mayor shall see that the duties of the various town officers, agents or employees and members of the police force, whether elected or appointed, are faithfully performed. He shall have power to investigate their accounts, have access to all their books of accounts and documents in their office, and may examine them or their subordinates on their oath; but the evidence given by person so examined, shall not be used against them in any criminal proceeding. (1926, c. 395)

§ 19. The mayor shall communicate to the town council annually, at the beginning of each fiscal year or oftener if he be required by the council, a general statement of the condition of the town in relation to its government, finances, and improvements, with such recommendations as he may deem proper, and may from time to time, communicate to the council such suggestions and recommendations as he may deem proper. (1926, c. 395)

§ 20. In case a vacancy shall occur in the office of mayor the vacancy shall be filled by appointment by the town council, of any one eligible to such office. (1926, c. 395)

§ 21. The mayor shall have power to call a meeting of the council whenever he deems it necessary, and in case of the absence, inability, or refusal of the mayor, the council may be convened by the order of any two members thereof. (1926, c. 395)

#### CHAPTER 6.

##### Council.

§ 22. The town council shall by ordinance, fix the time of their stated meetings, and they shall meet at least once a month, and no business shall be transacted at a special meeting thereof except that for which it shall be called, unless all members of the council be present. (1926, c. 395)

§ 23. Three members of the council, of whom for the purpose of constituting a quorum the mayor shall be counted as one, shall constitute a quorum for the transaction of business. No vote shall be reconsidered or rescinded at a special meeting unless at such special meeting there be as large a number of the council members present as were present when such vote was taken. (1926, c. 395)

§ 24. The meetings of the council shall be presided over by the mayor, or in his absence or inability to act, some other member of the council chosen by the majority of that body. (1926, c. 395)

§ 25. The town council shall have authority to adopt rules for the regulation of their proceedings and appoint such officers, agents, committees, and employees as they may deem proper. To compel the attendance of absent members; to punish its members for disorderly behavior, and by a vote of three-fifths of the whole council to expel a member for malfeasance or misfeasance in office. (1926, c. 395)

§ 26. A journal, or minute book, shall be kept of the proceedings of the town council and at the request of any member present, the yeas and nays shall be recorded on any question. At the close of each meeting the proceedings shall be read and signed by

the person presiding over that meeting, and attested by the clerk of said meeting. (1926, c. 395)

§ 27. The clerk of the council shall keep the said journal and shall record the proceedings of the council at large, thereon and keep the same properly indexed. (1926, c. 395)

§ 28. The town council shall judge of the election, qualification, and returns of its members. (1926, c. 395)

§ 29. The regular attendance of all members elected to the council is desirable, and in the event a member so elected to the said council is absent without good cause, from any regular or stated meeting, twice in succession, his seat shall automatically become vacant, and the same shall be filled as hereinafter provided. (1926, c. 395)

§ 30. All vacancies occurring from any cause whatsoever in the office of mayor, councilman, or any other office, whether filled by appointment or election shall be filled for the unexpired term by the council. (1926, c. 395)

§ 31. The council shall have power to suspend and remove all officers and employees whether elected or appointed, for misfeasance, malfeasance, inefficiency, or neglect of duty to, be specified in the order of suspension or removal, but no such removal shall be made without reasonable notice given to the person so suspended or removed, and an opportunity afforded for his defense thereto; and no removal of any town officer, agent or employee other than an officer appointed by the mayor, shall be final until the same shall be ratified by a majority vote of the town council. (1926, c. 395)

§ 32. The town council shall have all powers and authority that is now or may hereafter be granted to councils of towns by the general laws of this State and by this act; and the recital of special powers and authorities herein shall not be taken to exclude the exercise of any power and authority granted by the general laws of this State to town councils, but not herein specified. (1926, c. 395)

§ 33. And the said council shall have power to enact ordinances providing for the exercise within its jurisdiction of all police powers which the State itself may exercise under the circumstances, except as may be specifically denied towns by the acts of the general assembly. (1926, c. 395)

§ 34. Enumeration of specific powers.

The council shall have the further power to control and manage the fiscal and municipal affairs of the town and all property, real, personal, belonging to the said town, and may make such ordinances, orders and resolutions relating to the same as it may deem proper and necessary.

The council shall have the further power to:

(1) Purchase, hold, sell, and convey all real and personal property within or without the corporate limits necessary for its uses and purposes.

(2) Acquire by purchase, condemnation or otherwise, or to construct or lease and operate its own plant, factory and equipment for supplying its inhabitants, streets, grounds and buildings with water, light, power, fuel, and sewerage, and to that end it may acquire by purchase or lease any plant existing in or near the town and may acquire lands and franchise outside of the limits of the said town, and may by purchase, condemnation or otherwise acquire easements and rights of way.

(3) Purchase, condemn, or otherwise acquire one or more locations for a site for fire engine houses, stables, town buildings, parks, play grounds, and for all municipal uses and purposes, within or without the town.

(4) Close, extend, widen, or narrow, straighten, lay out, graduate, curb, and pave, and otherwise improve the streets, sidewalks, roads and public alleys in the town, and have them kept in good order and properly lighted, and to require the payment, by the property owner, benefited by such works or improvements of such property, of the cost as shall not exceed five per centum of the assessed value of said property, and to make such item a lien upon their real estate, and collectable in the same manner as is herein provided, and also as provided by the general laws of the State for the collection of taxes generally, and over any street or alley in the town which has been or may be ceded to the said town, or conveyed to the town by proper deed, they shall have like power and authority as over other streets and alleys. They may build bridges over and culverts under the streets, and may prevent and remove any structure, obstruction or encroachment over or under or in any street, sidewalk, or alley in the said town, and may permit shade trees to be planted along said streets, also cut down and remove or may require to be taken down and removed any shade trees upon any of the streets and alleys of the said town; but no company, firm, corporation and individual shall occupy with its or his works or appurtenances thereof the streets, sidewalks and alleys of the town, without the consent of the council duly entered of record, and whenever in the construction of any sewer, conduit or public improvement, it is necessary that the same shall run through or under private property, the council shall have authority to contract and agree with the owner thereof for the use and purchase of the right of way or other easement, in, through, or under the same, or have the same condemned according to law.

(5) Require the owners of real estate abutting upon paved or granolithic sidewalks to remove the snow therefrom, to prevent skating or riding of bicycles thereon, and of all other improper uses thereof, and to punish such violation by fine.

(6) Prevent the cumbering of streets, sidewalks, alleys, roads, lanes, avenues, or bridges in the town in any manner whatsoever, and to have full and complete control thereof.

(7) Determine, restrain and regulate the use and speed of bicycles, motorcycles, traction engines, locomotives, engines, cars, automobiles, and all other vehicles upon the said streets, roads and alleys of the said town; or regulate the speed of locomotives or trains, and require flagmen at dangerous railroad crossings within the town.

(8) Require and compel the abatement of all nuisances, and the removal thereof within the town at the expense of the person or persons causing the same, or the owner or owners of the ground whereupon the same may be.

(9) Require and compel the owners of the houses in the town, or if the owners be unknown or absent, the occupants of such houses, to connect their water closets and water drains with the sewers of the town, or otherwise comply with such regulations as to sewers and nuisances as the council may prescribe, and upon failure so to do the same may be done by the town, by entering upon the premises, if necessary, and the cost attending same shall be collected from the owner and occupant of such houses, as taxes are herein in this charter allowed to be collected by the town.

(10) Direct the location of all buildings for storing gunpowder, fire crackers, or other works manufactured or prepared therefrom, kerosene oil, nitroglycerin, camphene,

burning fluid, or other combustible material; to regulate and restrain the exhibition and use of fireworks, firecrackers, the discharge of firearms, the use of candles or lights in barns, stables, and other buildings; and to regulate and restrain the making of bonfires in the streets, alleys, roads and premises in the said town.

(11) Prevent horses, cattle, hogs, dogs, cats, chickens and all other poultry and animals from running at large in the said town, and may subject the same to confiscation, regulation and taxes as may be deemed proper; and the town council may prohibit the raising and keeping of hogs in the town or in any part thereof, or if permitted, may regulate the same.

(12) Prevent the riding and driving of horses or animals at an improper speed, throwing stones, or engaging in any employment or sports on the streets, sidewalks, roads or public alleys dangerous to or annoying to pedestrians; and to prohibit and punish cruel treatment of horses and other animals in the said town.

(13) Protect the person and property of the inhabitants of the town, and others within the town, to restrain and punish drunkards, vagrants, idlers, and street beggars, to prevent vice and immorality, obscenity, profanity, abusive language, and gambling, to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblies; to suppress houses of ill fame and gambling houses; to prevent lewd, indecent, and disorderly conduct, or exhibits on the said town, and to expel therefrom persons guilty of such conduct; to prevent the coming into town of persons having no ostensible means of support and persons who may be dangerous to the peace and safety of the town and compel such persons to leave the town if they have been in the town not more than six months before the order is given.

(14) Make and enforce ordinances to secure the safe and expeditious use of streets, roads, and alleys of the said town; to regulate all manner of traffic thereon, and for the protection of persons and property thereon or near thereto.

(15) Establish and maintain parks, playgrounds, and boulevards, and cause the same to be laid out, equipped and beautified; to give names to or alter the names of streets, and fix building lines.

(16) Lay off public grounds and provide, acquire, erect, and keep in order all buildings proper for the town.

(17) Prohibit and punish for mischievous, wanton or malicious damage to school and public property as well as private property.

(18) Prohibit and punish minors from frequenting, playing in or loitering in any public poolroom, billiard parlor or tenpin alley and to punish any proprietor or agent thereof for permitting same.

(19) Restrict the dumping of garbage to such places as the council may designate and to punish all who fail to comply with such rules and regulations as to garbage disposal.

(20) Authorize and regulate the erection of party walls and fences and prescribe how the cost thereof shall be borne by coterminous owners; and to prohibit and punish trespassing upon private property within the town.

(21) Regulate and control auction sales, livery stables, garages, barber shops, slaughter houses, soap factories, theatrical performances or other public shows or exhibitions; the hiring or use for pay of carriages, carts, wagons and drays, and the business of hawkers, peddlers, persons selling goods by sample, persons keeping billiard

tables, tenpin alleys, and pistol galleries for profit, and all other similar business, occupations and employments, and as to such trades, occupations, and employments and of any other like nature, or not, may grant or refuse license as it may deem proper.

(22) Provide for the regular and safe construction of houses in the town for the future, to require the standard of dwelling houses be maintained in residential sections in keeping with the majority of residences therein.

(23) Designate and prescribe from time to time, the part of the town within which no buildings of wood shall be erected, and to regulate the construction of buildings in the town, so as to protect it against danger of fire; to remove or require to be removed any building, structure or addition thereto, which by reason of dilapidation, defect of structure, fire, or other cause may become dangerous to life or property, and also refuse a permit to repair any such building or structure.

(24) Prevent injury or annoyance of anything dangerous offensive or unhealthy.

(25) Provide by regular ordinances what are nuisances; to cause the abatement of any nuisance so declared to be by the general laws of this State, or the regular ordinance of the town.

(26) 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 ground therein; and to provide for the perpetual upkeep and care of any plat 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.

(27) Offer and pay rewards for the apprehension of criminals.

(28) Control, regulate, limit, and restrict the operation of motor vehicles carrying passengers for hire, upon the streets and alleys of the town, to require a bond with satisfactory surety thereon of the owner of every motor vehicle so used, conditioned to satisfy all damages caused to any person, or property, in the negligent operation of such motor vehicle, or adequate insurance, to require the annual registration of each and every motor vehicle so used and a license tax to be paid thereon, to require all drivers of such motor vehicles, whether owners or not, to obtain permits from the mayor and council before operating any such motor vehicle carrying passengers for hire upon the said streets and alleys, to refuse permits to so operate any motor vehicle to any person who is not of good character, reputation, physically fit, capable, competent, of sufficient age and discretion, or who is addicted to the use of intoxicating liquors or narcotics, to revoke any permit issued to any person for good cause and after a hearing thereon; or, a franchise may be granted for the transportation of passengers by motor vehicles for hire upon the said streets and alleys, to be advertised and sold as provided for by the Constitution and the laws of this State, subject nevertheless to such rules, regulations, restrictions, and limitations and upon such conditions, not in conflict with the Constitution, as the council may determine. But nothing in this section shall be construed to be in conflict with the general State law on motor vehicle carriers.

(29) Pass all resolutions and ordinances not repugnant to the Constitution and the laws of the State, or in conflict with this act, which may deem necessary for the good order and government of the said town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health and protection of its



citizens or of their property, and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction, which is or shall be granted to or vested in the said town or in the council, or the officers thereof, or which may be necessarily incident to a municipal corporation. (1926, c. 395; 2005, c. 627)

## CHAPTER 7.

### Police Chief.

§ 34 1/2. Council to prescribe duties and fix compensation.

The town council shall have the power and authority to prescribe for the police chief such general and other duties as it may see fit, and shall fix his compensation. (1926, c. 395; 1993, c. 676; 2005, c. 627)

§ 35. The police chief shall perform the duties, receive the compensation and be subject to the liabilities prescribed by this act, the ordinances, bylaws and regulations of the town council, and by the laws of this Commonwealth, and also shall have the powers and discharge the same duties as constables within the corporate limits of the town, and be subject to the same liability touching all process lawfully directed to him, as constables are subject to, under the laws of this Commonwealth. (1926, c. 395; 1993, c. 676)

§ 36. The police chief and the police officers of the town shall have power to arrest without warrants and carry before the proper authority, to be dealt with according to law, any and all persons who shall violate any ordinance of the town or law of the Commonwealth in their presence, and it shall be their duty to swear out warrants of arrest for any person or persons where they have reason to believe any offense has been committed. (1926, c. 395; 1973, c. 272; 1993, c. 676)

§ 37. (1926, c. 395; 1993, c. 676; repealed 2005, c. 627)

§ 38. (1926, c. 395; 1993, c. 676; repealed 2005, c. 627)

§ 39. (1926, c. 395; 1993, c. 676; repealed 2005, c. 627)

## CHAPTER 8.

### Use of Streets, et cetera.

§ 40. No street, gas, railway, water, steam, or electric heating, electric light, or power company, compressed air, viaduct, conduit, telegraph, telephone, or bridge company, firm, or corporation, association, persons or partnership, engaged in these or like enterprises shall be permitted to use the streets, roads, alleys or public grounds of the town without the previous consent of the corporate authority of the town. (1926, c. 395)

§ 41. No person or corporation shall occupy or use any of the streets, avenues, parks, bridges, boulevards, alleys or any other public place or public property of the town, or any public easement of the town of any description in a manner not permitted to the general public, without having first obtained the consent thereto of the town council, or a franchise therefor, and any person upon conviction of so doing before the court or judge having jurisdiction to try violations of ordinances of the town shall be fined not less than five dollars, nor more than fifty dollars, each day's continuance thereof to be a separate offense, such fine to be recovered in the name of the town and for its use, and such occupancy shall be deemed a nuisance, and the court or judge shall have power to cause the said nuisance to be abated, and to commit the offenders and all their agents and employees engaged in such offense to the town prison until such order shall be obeyed. (1926, c. 395; 1973, c. 272)

§ 42. In every case when a street of said town has been, or shall be encroached upon by any fence, building, porch, projections or otherwise, the town council may require the owner, if known, or if unknown, the occupant, to remove the same, and if such removal be not made within the time prescribed by the council they may impose a penalty of not exceeding twenty-five dollars for each and every day it is allowed to continue thereafter, and may cause the encroachment to be removed and collect from the owner, or if the owner be unknown, from the occupant of the premises, a reasonable charge therefor, with costs, by the same procedure as they are hereinafter empowered to collect taxes. No encroachment upon any street of the said town, however long the same shall have been or may be continued, shall constitute an adverse possession to, or confer any rights upon the person claiming thereunder, as against the town. (1926, c. 395)

#### CHAPTER 9.

##### Police.

§ 43. The town council shall have the power and authority to appoint a chief of police, and such additional police officers as it may deem necessary or proper. (1926, c. 395; 1993, c. 676)

§ 44. The town council shall prescribe rules and regulations for the government of the police department, prescribe uniforms and badges of the officers therefor, and fix their rate of pay, and in addition thereto, the mayor, or in his absence, the president pro tempore of the council, or in the absence of both, any councilman shall have the power and authority, whenever the regular police force of the town is, in the judgment of such person, deemed inadequate to meet the needs of the occasion, to appoint and swear in such additional or special policemen as he may deem requisite, for a term of service not to exceed ten days, and at such compensation as the council may fix for special policemen, or, if no compensation be fixed by the council, then at the same compensation per day paid regular police officers of the regular police force. The duties and powers of such special policemen shall be the same as that of a private on the regular police force. (1926, c. 395)

§ 45. The police force shall be under the control of the mayor for the purpose of enforcing peace and order, and executing the laws of the State and ordinances of the town. They shall also perform such other duties as the council may prescribe. For the purpose of enabling them to execute their duties and powers, any policeman is hereby made a conservator of the peace, and endowed with all the powers of the constable in criminal cases, and all other powers which under the laws of the State may be necessary to enable him to discharge the duties of his office. (1926, c. 395)

§ 46. The officers and privates of the police force of the town shall be vested with all the powers and authority which belong to the office of a constable at common law in taking cognizance of and enforcing the criminal laws of the Commonwealth of Virginia, and the ordinances and regulations of the town respectively; and it shall be the duty of each policemen to use his best endeavor to prevent the commitment within the said town of offenses against the laws of the Commonwealth, and against the ordinances and regulations of the town, to observe and enforce all such laws, ordinances and regulations, to detect and arrest offenders against the same, to preserve the good order of the town, and to secure the inhabitants thereof from violence, and the property therein from injury. (1926, c. 395)

§ 47. The police of the town shall have all the power and authority of a sergeant and in all cases execute such warrants or summons as may be placed in his or their hands by the mayor of the said town, or properly constituted authority, and shall make due return thereof. (1926, c. 395)

#### CHAPTER 10.

##### Fire Department.

§ 48. The town council shall have the power and authority to establish and maintain a fire department for the town, and all power necessary for the government, management, maintenance, equipment, and direction of such fire department, and the premises, property and equipment thereof. The council may make ordinances as it may deem proper for the prevention of fires, the construction of flues, chimneys, and stove pipes, and the extinguishment of fires; for the regulation of the conduct of persons in attendance at fires in relation to the powers and duties of the officers and men of the fire department; to require citizens to render assistance to the fire department in case of need, and in relation to the acquisition, use, maintenance, and preservation of real estate, personal property, fire apparatus and equipment necessary or proper for the use of the fire department. (1926, c. 395)

§ 49. The town council may in their discretion authorize or require the fire department to render aid in case of fire occurring beyond the limits of the town, and may prescribe the conditions under which aid may be rendered. (1926, c. 395)

#### CHAPTER 11.

##### Dedication of Streets, et cetera.

§ 50. All streets, cross-streets, roadways, alleys, avenues, and walkways which have already been laid off and opened according to plats of the several subdivisions of the town as now constituted, not heretofore changed, closed or altered by the municipal authorities, and all streets, cross-streets, avenues and alleys, lanes and walkways which have heretofore been opened and used as such, or which may at any time be located, surveyed and opened in the said town or any extension of the same within the corporate limits of the town, shall be and they are hereby established as public streets, avenues, lanes and walkways of the town. (1926, c. 395)

§ 51. Any street, alley, avenue or walkway heretofore or hereafter reserved or laid out in the division or subdivision into lots of any portion. of the territory within the corporate limits of the town as now constituted by a plan or plat of record, not altered, closed, or vacated by the municipal authorities, or otherwise as provided by law, shall be deemed and held to be dedicated to public use as and for a public street, avenue, alley or walkway, as the case may be, of the town, unless it appears by the said record that the street, avenue, alley or walkway so reserved is designated for private use, and whenever any street, alley, avenue, walkway or lane in the town shall have been opened and used as such by the public for a period of five years, the same shall thereby become a street, avenue, alley, walkway, or lane for public use, unless notice of the contrary intention on the part of the landowner be given in writing to the mayor of the town, who shall report the receipt of such notice to the council that it may be spread on the journal; and the council shall have the same authority and jurisdiction over, and right and interest therein, as they have by law over the streets, avenues, walkways and lanes laid out by them; and all streets, avenues, alleys and walkways hereafter laid out in the division or subdivision into lots of any portion of the territory within the corporate limits of the town shall be

made to conform to existing streets, avenues, alleys and walkways, both in width and their courses and direction. (1926, c. 395)

§ 52. The town shall repair, maintain, and keep in good order the public streets and roads, except the State road, within the corporate limits of the town, and if the said town so keeps in order, repairs and maintains, the public roads and streets, within the said corporate limits, no road tax shall be levied therein by the county of Page, or any subdivision thereof; and the inhabitants of the town and all taxable property, personal and real, within the corporate limits of the town shall be exempt from all assessments and levies imposed by the authorities of the county of Page, or Marksville magisterial district thereof, for the construction, repair or maintenance of roads lying outside of the corporate limits of the said town. (1926, c. 395)

## CHAPTER 12.

### Treasurer.

§ 53. The treasurer of the said town shall be appointed by the council for a term of two years, at the time the mayor and council are installed in office, and shall collect and receive all money belonging to the town, and shall perform such other duties as are prescribed by the council. He shall keep his office at some convenient place in the town, provided by the town council. He shall keep his books and accounts in such manner as the town council may prescribe, and such books and accounts shall always be subject to the inspection of the mayor and council, or any committee or committees of the council. He shall receive for his services such compensation, either in fees or salary, as the town council may from time to time allow, and when such compensation has been fixed by the council, the same shall not be diminished during the term of his office. (1926, c. 395)

§ 54. No money shall be paid out by the town treasurer except by order of the council and upon a warrant of the clerk of the council, countersigned by mayor, except as hereinafter provided. (1926, c. 395)

### § 55. Powers and duties.

The town treasurer or his deputy duly appointed by the council and qualified, or any other person appointed by the town council shall collect all the taxes, revenues and assessments, which may be levied by the said town council, and for this purpose the said treasurer or other person appointed by the town council as aforesaid, shall be vested with power and be subject to liabilities and penalties now prescribed by law in regard to the county treasurers of the Commonwealth of Virginia in the levying and collection of taxes and said officers or persons appointed as aforesaid to collect said taxes, revenues, and assessments, shall have full power to levy on property and sell the same for the payment of such tax, as the said county treasurers of the Commonwealth of Virginia are now empowered by law to do, and such sales shall be made upon the notice and in such manner as now prescribed by law in sales of personal property for State taxes; and any person so appointed shall give bond and receive such compensation as said council shall direct. (1926, c. 395; 1993, c. 676; 2005, c. 627)

§ 56. The treasurer shall be required to keep all money in his hands belonging to the town in such place or places of deposit as the town council by ordinance may provide or direct. (1926, c. 395)

§ 57. The treasurer shall report to each stated meeting of the council the amount of cash then on deposit to the order of the town, and in what depositories deposited, and shall annually at the end of each fiscal year publish, either in the newspapers or by

posting in front of the post office, a statement showing all the receipts and income of the said town and from what sources, and all disbursements made and for what purpose. (1926, c. 395)

§ 58. The treasurer shall execute bond with satisfactory surety, payable to the town for the faithful performance of all duties of his office, and to account for all money coming into his hands. (1926, c. 395)

#### CHAPTER 13.

##### Clerk of the Council.

§ 59. The clerk shall attend the meetings of the council and keep the record of its proceedings; he shall have the custody of the corporate seal; he shall keep all the papers that, by the provisions of this act, or the direction of the council, are required to be filed with or kept by him; he shall give notice to all parties presenting communications or petitions to the town council of the final action of the council on such communication or petition; he shall publish such reports and ordinances as the council is required to publish, and such other reports and ordinances as it may direct and shall, in general, perform such other acts and duties as the council may from time to time prescribe and require of him. He shall receive such compensation as the council may direct. (1926, c. 395)

§ 60. The clerk of the council shall perform all the duties in relation to the assessment of property for the purpose of levying the town taxes or levies, shall see to it that all persons, firms and corporations, chargeable with a town license tax are assessed with such license tax.

He shall perform all such other duties in relation to the assessment of property and other subjects of taxation as may be ordered by the town council. (1926, c. 395)

§ 61. For the performance of his duties, the clerk of the town shall be vested with all the power and authority that county commissioners of revenue are vested with, under the general laws of the State of Virginia, and shall have the power and authority to propound interrogatories to any person subject to taxation, and may use such other evidence as he may be in position to procure; such interrogatories shall be answered under oath and any applicant refusing to answer such interrogatories under oath, shall be fined not less than five dollars, nor more than one hundred dollars, for each offense. (1926, c. 395)

§ 62. It shall be the duty of the assessor to assess for taxation all persons and property subject to town taxation, whether the same shall have been omitted from the assessment of the commissioner of revenue for Page county or not. (1926, c. 395)

§ 63. All books, schedules and records, and papers pertaining to the office of assessor shall be open to and subject to the inspection of the mayor, the members of the town council, or any committee thereof, and of the collector of town taxes. (1926, c. 395)

§ 64. He shall receive for his services such compensation as the town council may from time to time prescribe. (1926, c. 395)

#### CHAPTER 14.

##### Taxation.

§ 65. For the execution of its powers and duties, the council may tax all real and personal property in the town not exempt by law from taxation; all corporations located in the town or having their principal office therein and not exempt by law from taxation; all credits due to any person living in the town; all capital of persons having a place of

business in the town and doing business therein and employed in the said business, though the said business may extend beyond the town, provided that so much of said capital as is invested in real estate or employed in the manufacture of articles outside the town limits shall not be taxed as capital; and all stocks in incorporated joint stock companies, doing business in the town and by whomsoever owned and not exempt by law from taxation. Assessments upon stock and bonds shall be according to the market value thereof. Nothing in this act shall be construed as conflicting with the general laws of the State providing for the segregation or partial segregation of the subjects of taxation. (1926, c. 395)

§ 66. (1926, c. 395; repealed 1993, c. 676)

§ 67. The council may impose a tax on merchants, commission merchants, auctioneers, manufacturers, traders, lawyers, physicians, dentists, brokers, keepers of ordinaries, hotel keepers, boarding house keepers, keepers of drinking or eating houses, keepers of livery stables, garages, filling station, distributors of oils, gasoline and grease, photographic artists of all kinds, agents of all kinds, excluding the agents of insurance companies, venders of quack medicine, public theatricals or other performances or shows; soda fountains and distributors of soft drinks; keepers of billiard tables, tenpin alleys, pistol galleries, hawkers, peddlers, sample merchants, railroad companies, telegraph companies, telephone companies, gas companies, electric companies, street railway companies, express companies, contractors, barber shops, and any other person, firm, corporation, employment, or trade whether of like kind with any of the foregoing or not, which it may deem proper, whether such person, firm, corporation, business, employment, or trade be herein specifically enumerated or not, and whether any tax be imposed thereon by the State or not. As to all such persons, firms, corporations, employments, or trades the council may lay a direct tax or may require a license tax therefor, under such regulations as it may prescribe and levy a tax thereon; and where it is not prohibited by the laws of this State or of the United States may levy both a direct tax and a license tax, but the taxes herein authorized shall be subject to the provisions and conditions set forth in this act, but this section shall not render it legal to conduct within the town any business, calling, or vocation which but for this section would be illegal. (1926, c. 395)

§ 68. The council may subject any person who without having obtained a license therefor shall do any act or follow any employment or business in the town for which a license may be required by ordinances, to such fine or penalty as it is authorized to impose for any violation of its laws. (1926, c. 395)

§ 69. The town council may exempt from all municipal taxation, bonds and other obligations of indebtedness issued by the town. (1926, c. 395)

§ 70. The council shall have power to fix and collect water rents, and make proper charges for light and power furnished and provided by the municipal power plant. (1926, c. 395)

§ 71. The council shall not appropriate any part of any sinking fund or its accrued interest thereon for any other objects or purposes than that for which the said sinking fund is collected. (1926, c. 395)

## CHAPTER 15. Tax Liens, et cetera.

§ 72. There shall be a lien on real estate for the town taxes as assessed thereon from the commencement of the year for which they were assessed. And the town council may, by ordinance allow and require said taxes to be paid in two equal installments at such times, and with a penalty not in excess of ten per centum, as the said council may designate. The council may require real estate in the town delinquent for the non-payment of taxes or assessment to be sold for said taxes and assessments, with interest thereon from the time the same is delinquent, at the rate of six per centum per annum, and ten per centum of the amount of the tax to cover costs and charges, exclusive of costs attending the redemption thereof, as hereinafter provided, and may cause a good and sufficient deed to be made to the purchaser. (1926, c. 395)

§ 73. It shall be the duty of the treasurer of the town to make out and deliver to the council at its regular meeting in July, in each year following the passage of this act, a list of all real estate whereupon delinquent taxes or assessments are due and unpaid for the previous year, and thereupon the treasurer of the town, under the direction of the town council, and when so ordered by it, shall sell said real estate and shall cause a notice of the time and place of such sale to be published in a newspaper published in the said county of Page, for at least once a week for four consecutive issues of the said paper or papers, previous to the day of the sale and he shall cause to be published, at the same time and for the same length of time, a list of the several parcels of real estate delinquent for the non-payment of assessments due and the amount of tax or assessments due on each parcel. (1926, c. 395)

§ 74. If such tax or assessment and the six per centum interest and ten per centum costs and charges aforesaid be not paid previous to the day for which said sale is advertised, or on some day immediately thereafter to which said sale may be adjourned, the treasurer shall proceed to make sale accordingly of said parcel of real estate, or so much thereof as shall be necessary to satisfy the taxes, interest and charges aforesaid, to the highest bidder, and the sale may be adjourned from day to day until it shall be completed. On such sale the treasurer shall execute to the purchaser a certificate of sale, in which the property purchased shall be described and the aggregate amount of tax or assessments with interest and costs specified; but the treasurer shall not for himself, whether directly or indirectly, purchase any real estate so sold. (1926, c. 395)

§ 75. If at any sale no bids shall be made by any person for any such parcel of land, or such bids shall not be equal to the tax or assessment with interest and costs thereon, the same may be bid in and purchased by the treasurer for the said town. On such sale the treasurer shall execute to the town a certificate of sale in which the property purchased shall be described and the aggregate amount of taxes or assessments, with interest and costs specified, and shall deposit such certificates with the clerk of the council of the town. (1926, c. 395)

§ 76. The treasurer shall, within thirty days after the sales are completed, make a report of said sales showing parcels of land sold, the date of sale, the name of the purchaser, and the amount of purchase money for each lot; this report shall within the time aforesaid be filed with the clerk of the council and by him recorded in the book kept for the purpose. (1926, c. 395)

§ 77. The owner of any real estate so sold, his heirs or assigns, or any person having the right to charge such real estate for a debt, or otherwise interested therein may redeem the same by paying the purchaser, his heirs or assigns, within two years from the

sale thereof, the whole amount paid by such purchaser, and such additional tax thereto as may have been paid by the purchaser, his heirs and assigns, with interest thereon, at the rate of six per centum per annum; or, if purchased by the town with such additional sum as will have accrued for taxes thereon, if the same had not been purchased by the town, with interest on the said purchase money, and taxes, at the rate of ten per centum per annum from the time that the same may have been so paid, or the same may be paid within the said two years to the police chief in any case in which the purchaser, his heirs or assigns, may refuse to receive the same or may not reside or cannot be found in the town. (1926, c. 395; 1993, c. 676)

§ 78. Any infant, insane person or persons in prison whose real estate may have been so sold, or his heirs, may redeem the same by paying to the purchaser, his heirs or assigns, within two years from the removal of their disability, the amount for which the same was sold, with the interest and costs as aforesaid, and such additional taxes on the real estate as may have been paid by the purchaser, his heirs or assigns, or the appraised value of any improvements that may have been made thereon, with interest on the said items at the rate of six per centum per annum, from the time they may have been made. Upon such payment and the payment of such additional sums as may have been incurred by the purchaser in obtaining a deed within two years after the removal of such disability the purchaser, his heirs or assigns, shall, at the cost of the original owner, his heirs or assigns, convey to him or them by deed with special warranty the real estate so sold. (1926, c. 395)

§ 79. If any real estate so sold be not redeemed within the time allowed for redemption the purchaser of such real estate or his assigns, may thereupon petition the mayor and council that the property shall be conveyed to him, and thereupon, after due notice to the party or parties, for whose delinquent taxes said real estate was sold, and similar notice to the owner as shown by the records of the clerk's office of the circuit court of Page county either by personal service or in the event personal service cannot be had by reason of nonresidence or disability of any kind, by publication for four consecutive weeks in some newspaper published in the county at the expense of the applicant, the said council shall determine whether all the requirements as to the assessment, the sale, the purchase, and the period of redemption shall have been complied with; and if upon such inquiry it be ascertained that the same has been regularly complied with, and that the purchaser or his assigns is entitled to a conveyance of the said real estate, the council shall direct the same to be conveyed by the clerk of the council of the town. Where the purchaser has assigned the benefit of his purchase, the deed may be with his consent evidence by his joining therein or by writing annexed thereto be executed to his assignee. And if the purchaser shall have died, his heirs or assigns may move the council to order the clerk of the council of the town to execute a deed conveying the property to such heirs or assigns; such inquiry shall be deemed conclusive as to the regularity of all proceedings connected therewith, but nothing contained in this section shall apply to the real estate purchased by the town at delinquent tax sales. (1926, c. 395)

§ 80. Any real estate purchased by the town at delinquent tax sales provided for in this charter, if not redeemed in accordance with the provisions of this charter shall be disposed of by the town in such mode as the council may prescribe. (1926, c. 395)

§ 81. When the purchaser of any real estate sold for the taxes, his heirs or assigns, shall have obtained a deed therefor, and within sixty days from the date of such deed



shall have caused same to be recorded, such estate shall stand vested in the grantee in such deed, and his title shall not be subject to defeat, except by showing that the real estate was not subject to the taxes for which it was sold, or that the taxes for the year for which it had been sold, had been paid. (1926, c. 395)

#### CHAPTER 16.

##### Loans, Bonds, et cetera.

§ 82. (1926, c. 395; 1993, c. 676; repealed 2005, c. 627)

§ 83. (1926, c. 395; repealed 2005, c. 627)

§ 84. Power of town council to borrow and issue bonds.

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

a. Contracting debts and issuing obligations. The town may, in the name of and for the use of the town, contract debts and make and issue, or cause to be issued, as evidence thereof, bonds, notes, or other obligations, within the limitations prescribed by the Constitution and in accordance with the provisions of law concerning bond issues by towns, upon the credit of 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. Temporary borrowing. Pending the issuance 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 evidence of indebtedness therefore, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bond, notes, or other obligations or from the town taxes and revenues, as the case may be. (1926, c. 395; 2005, c. 627)

#### CHAPTER 17.

##### General Provisions.

§ 85. All criminal and civil writs and process issued by the mayor, under the general laws of the State of Virginia shall run in the name of the "Commonwealth of Virginia," and all criminal and civil writs or process issued by the mayor for the violation of or under ordinances of the said town shall run in the name of "the town of Stanley," and writs and process issued in the name of the town shall conform as near as may be to the form for similar writs and processes issued under the general State laws. (1926, c. 395)

§ 86. The jurisdiction of the corporate authorities of the town in criminal matters, except as otherwise provided by law, and for imposing and collecting a license tax on all shows, performances and exhibitions shall extend one mile beyond the corporate limits of the town. (1926, c. 395)

§ 87. (1926, c. 395; repealed 1973, c. 272)

§ 88. If any section or provision of this act or any part of any section shall be declared unconstitutional, the part so declared unconstitutional shall cease to be operative, but the remainder of this act and every section or part thereof not so declared unconstitutional shall continue to be the law governing this town. (1926, c. 395)

§ 89. In case of default on the part of any bonded municipal officer, the town shall have the same remedies against him and his sureties as are provided for the State in enforcing the penalty of any official bond given to it. (1926, c. 395)

§ 90. The same person shall be eligible to, and if elected, or appointed, may hold a county office and a town office if the said offices be of the same nature, at the same time; provided, such officer lives within the town limits; and a person otherwise qualified who is a resident of the said town shall be eligible to election or appointment to any county office of Page county. (1926, c. 395)

§ 91. Where by the provisions of this act or the general laws of this Commonwealth, the council has the authority to pass an ordinance, resolution or regulation on any subject, it may prescribe a penalty not exceeding two thousand five hundred dollars or confinement in jail not exceeding twelve months, or both, for the violation thereof and any other form of punishment provided for by the laws of this Commonwealth for the punishment of misdemeanors. (1926, c. 395; 1993, c. 676)

§ 92. Continuation of ordinances.

All town ordinances in effect as of the approval of this amendment of the charter of the town and not inconsistent with this act, shall be and remain in force until altered, amended, or repealed by the town council. (1926, c. 395; 2005, c. 627)

§ 93. Continuation of town officers.

The present officers of the town shall be and remain in office as of the effective date of this charter amendment. (1926, c. 395; 2005, c. 627)

§ 94. All acts or parts of acts in conflict with this act are hereby repealed, but only insofar as they affect the provisions of this act. (1926, c. 395)

§ 95. An emergency is hereby declared to exist and this act shall be in effect from and after the date of its passage. (1926, c. 395)