

STUART, TOWN OF
County of Patrick.

Incorporation and charter, 1884, Extra Session, c. 60; repealed 1952, c. 582.

Charter, 1952, c. 582.

Amended 1986, cc. 48, 380 (§ 17)
 2006, c. 136 (§ 3).

§ 1. That the Town of Stuart, in the County of Patrick, as the same has heretofore been, or may hereafter be laid off in lots, streets and alleys, and as its limits are, or may hereafter be established by law, is, and shall continue to be, a body politic and corporate by the name of Stuart, and as such shall have and may exercise all powers which are now, or hereafter may be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive. (1952, c. 582)

§ 2. The boundaries of said town are, and shall continue to be as follows:

"Beginning at a walnut tree on Mayo River, near where Staples and Williams mill formerly stood; thence down the river as it meanders to the crossing in what was formerly known as Lybrooks (and now known as Clark's) bottom; thence a straight line to mill branch at a point just below the old site of the Bishop turning--lathe; thence up the branch as it meanders to the fork of said branch near what was formerly known as Nowlin's spring; thence a straight line to the northeast corner of what was formerly known as the Turner Orchard; thence with the road (now street) by what was formerly known as Col. A. Staples' residence, to a cherry tree on the old road leading to Rye Cove; thence a straight line to the point of beginning." In addition to the foregoing boundary, which was the original boundary of the Town of Stuart, there is now included along with the foregoing the following two parcels of land that were annexed and taken into the Town of Stuart by an order of the Circuit Court of Patrick County, Virginia, entered on December 8th, 1939, which parcels are now parts of the town, and are bounded as follows, to-wit:

1. "BEGINNING at an iron stake 2 feet East of the dividing line between the property of J. J. West and the J. C. Shockley estate, and at a point S. 40 deg. E. 999 ft. from an iron stake on Mill Branch 60 feet below the fork of the branch and just below the Nowlin old spring, which bearing and distance of the 999 ft. line is a line of the old corporate survey, thence off a new line, N. 84 deg. 15' W. 1365.2 feet to a telephone pole on the West margin of the Virginia-United States Highway No.58, thence S. 75 deg. 30' West crossing a branch at 100 feet, 1364.7 feet in all to a point in the West line of the E. E. Branscome residential lot, thence running through the property of I. C. DeHart, S. 37 deg. W. 270.5 feet to a spanish oak, thence running around the top of a bluff, S. 63 deg. W. 206.5 feet to a chestnut oak, N. 89 deg. W. 173.5 feet to a point 2 feet North of a chestnut oak, N. 66½ deg. W. 650 feet to a point in S. Mayo River at a high foot log 75 feet below the fork of the river, thence down the river as it meanders, 3160 feet more or less to the bridge on Rye Cove Road over the river, thence running with the road as it meanders, N. 10 deg. 45' E. 103 feet, N. 79 deg. E. 100 feet, S. 84 deg. 30' E. 100 feet, S. 69 deg. 30' E. 300 feet, S. 88 deg. 30' E. 100 feet, N. 47 deg. 45' E. 384.5 feet, S. 63 deg. 45' E. 100 feet, S. 18 deg. W. 240.5 feet, S. 17 deg. E. 100 feet, S. 45 deg. E. 100 feet, S.

70 deg. E. 100 feet, S. 82 deg. 15' E. 100 feet, N. 73 deg. 45' E. 190 feet, S. 87 deg. E. 100 feet, S. 7 deg. E. 100 feet, S. 59 deg. E. 55 feet, N. 39 deg. 45' E. 90 feet, N. 35 deg. 30' E. 500 feet, N. 29 deg. 30' E. 422.5 feet to a point in the said Rye Cove Road where the old corporate line crossed said road, thence running with the old corporate line, N. 34 deg. 50' W. 812 feet to an iron stake on the South margin of the formerly old Rye Cove Road, thence running with Staples Avenue, N. 2 deg. W. 186 feet, N. 6 deg. 30' W. 325 feet, N. 14 deg. 30' E. 800 feet, crossing Blue Ridge Street to a point in the Northern edge of the Street in front of L. B. Rucker's residence, thence N. 40 deg. E. 320 feet to the point of BEGINNING, containing 160 acres."

2. "BEGINNING at the mouth of Campbell's Mill Branch on South Mayo River, thence up the branch as it meanders, N. 33 deg. 30' E. 100 feet, N. 53 deg. 30' E. 59 feet, N. 5 deg. 15' E. 175 feet, N. 1 deg. 45' E. 435 feet, N. 49 deg. E. 100 feet, N. 30 deg. 30' E. 100 feet, N. 45 deg. 15' E. 153 feet, N. 35 deg. W. 327 feet, N. 50 deg. W. 240 feet, N. 9 deg. W. 278 feet, N. 22 deg. 30' E. 58 feet, N. 18 deg. W. 45 feet to a point at an angle in the branch, thence leaving the branch with the line of the old corporate line, S. 33 deg. W. 1220 feet to South Mayo River just below the bridge, or trestle, of the side track of the D. & W. R. R. leading to the Band Sawmill Plant, thence down the river as it meanders, S. 42 deg. 30' E. 376 feet, S. 33 deg. 15' E. 308 feet, S. 63 deg. 30' E. 168 feet, S. 25 deg. 15' E. 200 feet to the place of the BEGINNING at the mouth of Campbell's Mill Branch on said River, and contains 20 acres." (1952, c. 582)

§ 3. The mayor and councilmen shall constitute the Council of said town. The mayor and members of council elected at the general election held in May 2006 shall continue in office until December 31, 2008, or until their successors are duly elected and qualified.

At the election to be held on the Tuesday after the first Monday in November 2008, and every four years thereafter, the candidate for mayor receiving the greatest number of votes shall be elected for a term of four years. At the election to be held on the Tuesday after the first Monday in November 2008, the two candidates for councilmen receiving the greatest number of votes, respectively, shall be elected for a term of four years; and at such election, the three candidates for councilmen receiving the next greatest number of votes, respectively, shall be elected for a term of two years. Thereafter, all councilmen shall be elected for terms of four years, and an election for councilmen to fill the vacancies caused by the expiration of the terms of the councilmen shall be held on the Tuesday after the first Monday in November in every even-numbered year. The persons so elected shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall continue in office until their successors have qualified. Every person elected as a councilman of said town shall take an oath to faithfully execute the duties of his office to the best of his judgment. The person elected mayor shall take the oaths prescribed by law for all State officers. (1952, c. 582; 2006, c. 136)

§ 4. The mayor and said councilmen shall, together, constitute the council of said town; and in the council so composed, shall be vested all of the corporate powers of the town. (1952, c. 582)

§ 5. The municipal officers of said town shall, in addition to the mayor, consist of a treasurer, sergeant, clerk of the council, who shall act as commissioner of the revenue for said town, and such other officers as the council may from time to time deem it

necessary to have or employ; and the council may appoint such committees of the council and create such boards and departments of town government and administration with such powers and duties and subject to such regulations, as it may see fit, consistent with the provisions of this act and the general laws of the Commonwealth. The time of appointment of all officers may be prescribed by the council, and they may be appointed for such term, not exceeding two years, as the council shall provide, but all municipal officers shall serve until their successors shall have qualified, unless otherwise provided by the council. (1952, c. 582)

§ 6. The duties and compensation of all municipal officers, except as herein or by the general laws of the State defined or provided for, shall be defined and prescribed by the town council. (1952, c. 582)

§ 7. The council may appoint policemen and such other officers and agents for the proper conduct and business of the town as they deem necessary, prescribe their duties and fix their compensation and require and take from them such bond or bonds with good security and in such penalty as they may deem proper, with condition for the faithful discharge of the duties of their offices. The sergeant of the town shall be ex officio Chief of Police. (1952, c. 582)

§ 8. The council shall have, subject to the provisions of the general laws of the Commonwealth applicable to towns, the control and management of the fiscal and municipal affairs of the town, and all property, real and personal belonging to it, and may make such ordinances, orders and by-laws and regulations as they may deem necessary to enforce and carry out the powers vested in the council; and in addition thereto, the following powers which are hereby vested in them:

1. To do any and all things that are permitted by the laws of the Commonwealth to secure the inhabitants of the town from contagious, infectious, and other dangerous diseases.

2. To establish and maintain a fire department in the town and provide for the regulation of same, and to compel the residents of the town to aid and assist the fire department when required so to do. They shall have the power to establish fire limits in the town, within which no building shall be erected without the council's consent, unless the outer walls thereof be so constructed as to comply with any building code or ordinances of the town governing the same.

3. To regulate the operation of motor vehicles within the town and to adopt ordinances for said purpose not in conflict with the State law regulating the use, ownership and operation of motor vehicles, and to prescribe punishment for the violation of such ordinances.

4. To regulate the building of stables, privies, and hog pens, to require and compel the abatement and removal of all nuisances within the said town, at the expense of the person or persons causing the same, or the owner or owners of the ground wherein the same may be, the collection of which said expense may be enforced in the same manner as fines due to the town; to provide for the drainage of lots by proper drains or ditches, to prevent or regulate slaughterhouses or the exercise of any dangerous, offensive or unhealthy business, trade or employment within the town.

5. To prevent hogs, dogs, cows or other animals from running at large in the town, and may subject the same and the owners thereof to such levies, taxes and regulations as they may think proper.

6. To restrain and punish drunkards, vagrants and street beggars; to prevent vice and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly conduct and assemblages; to suppress houses resorted to for the purpose of immorality and houses used for gambling purposes; to prevent and punish lewd, indecent and disorderly conduct or exhibitions within the town, and to expel therefrom persons guilty of such conduct.

7. To prevent any cow, horse, hog or other animal from injuring or trespassing upon any public square or ground within the corporate limits of the town, and to prevent the running at large of animals, and to prescribe punishment for the owner of such animal or animals permitted to trespass or run at large.

8. In addition to the powers conferred by the laws of the Commonwealth, the council of said town shall have the power to lay off streets, walks and alleys; alter, improve and light the same, and have them kept in good order; to lay off public grounds and provide all buildings proper for the town; to prescribe the times and places for holding markets and to regulate the same; to establish, erect and regulate hospitals; to provide for and order the removal of patients to such hospitals; to appoint and organize a board of health for said town, with the authority necessary for the prompt and efficient performance of its duties; to require the owner or owners of homes and places of business in the town, or if the owner be unknown or absent, the occupants of such homes or businesses to connect all of their water closets and water drains with the sewer of the town, and upon their failure to do so, the same shall be done by the town, and the cost attending the same shall be collected from the occupants or owners of such homes or businesses as taxes are permitted to be collected; to prevent the riding or driving of horses or other animals upon streets of the town at a speed or in such a manner as to be dangerous; to prevent the sale of cigarettes to a minor without the consent of his parents or guardian; to regulate the keeping of dynamite, gunpowder or other combustible materials, and to compel persons handling or possessing same to provide proper magazines for same; to provide cemeteries and places for the interment of the dead in or near town; to acquire or otherwise obtain control of, or establish, maintain, operate, extend and enlarge water works, gas works, electric plants, and other public utilities within or without the limits of the town; to acquire within or without the limits of the town by purchase, condemnation or otherwise, whatever land may be necessary for acquiring, working, establishing, maintaining, operating, extending or enlarging said water works, gas works, electric plants and other public utilities, and the right of way, rails, pipes, poles, conduits or wire connected therewith, or any of the fixtures or appurtenances thereof; to prevent the pollution of the water supply of the town and injuries to the water works, for which purpose their jurisdiction shall extend for a distance of five miles from the same; to make, erect, and construct within or without the town, sewers, drains and public ducts; to acquire by purchase, condemnation, or otherwise, so much land as may be necessary to make, erect, construct, operate and maintain the same; to sell water to persons both within and without the town; and to adopt any rule, regulation or ordinance authorized by general law of the Commonwealth to be adopted by towns, whether specifically enumerated herein or not.

9. The council of said town shall have the power to divide the town into districts, or zones for business and residential purposes. In other words, it is the intent and purpose of this act to confer upon the council of said town all of the powers that are permitted by

the laws of the State for zoning purposes. In any division that may be made of the town into business and residential areas, the town shall have all of the authority that is conferred by the general laws of the State, and in making such division or divisions, the same shall be made by the council of said town in accord with and in conformity with the provisions of the laws of the State relating to same.

10. To regulate or prevent the use of loud speakers or of any other device on the streets of the town that create any loud or offensive noises, provided that such regulation or prevention does not deprive any citizen of his constitutional rights of freedom of speech.

11. To pass or adopt any rule, regulation or ordinance authorized by general law of the Commonwealth to be adopted by towns. (1952, c. 582)

§ 9. The council of the said town shall be and have the power to judge of the election and qualifications of its members, and, with the concurrence of 2/3 of the membership, may expel a member for any cause permitted by law. Any vacancy occurring in the membership of the council during the term for which said persons have been elected or selected, may be filled by a vote of the council by the selection of any person eligible to hold said office. A vacancy in the office of mayor may be filled by the council from the qualified electors of said town. (1952, c. 582)

§ 10. The council shall have authority to suspend and remove all other town officials whether they be elected or appointed, for misconduct in office, or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity shall be afforded him to make his defense thereto. (1952, c. 582)

§ 11. For the transaction of business by the council of the town four members of the council (of whom the mayor may be counted 1) shall constitute a quorum. (1952, c. 582)

§ 12. The mayor of the town shall be clothed with full authority to enforce the laws and ordinances of the town, and he shall also be clothed with all powers and authority of a trial justice in civil matters within the corporate limits of the town, and in criminal matters within said limits and within one mile beyond such limits; and he shall have power to issue process hear and determine all prosecutions, cases and controversies which may arise under the by-laws and ordinances of the town. The council shall have the power to name one or more of the members of the council as vice-mayor with full power to exercise the authority of the mayor in the event of his absence or disability. (1952, c. 582)

§ 13. The jurisdiction of the corporate authorities of said town in criminal matters and for imposing and collecting a license tax on all shows, performances, contests and exhibitions of all kinds shall be and shall extend one mile beyond the corporate limits of said town. (1952, c. 582)

§ 14. Where by the provisions of the law the council has authority to pass ordinances on any subject, they may prescribe punishment by fine or imprisonment, or both, for all violations thereof. Fines may be recovered with costs upon warrants issued in the name of the town. Whenever judgment is rendered against any person for a fine, the officer trying the offender may require immediate payment thereof, and in default of such payment, may commit the party so in default to jail until such fine and cost are paid, but such person shall not be so confined for the nonpayment of a fine for a longer period than

that which is prescribed by the laws of the Commonwealth for the nonpayment of fines imposed in cases arising under the laws of the Commonwealth. (1952, c. 582)

§ 15. It shall be the duty of the mayor to communicate and report to the council annually as soon as may be after the close of the fiscal year, and oftener if he shall deem it expedient, or be required so to do by the council, a general statement of the financial condition of the town, as well as other matters pertaining to its government, finances and improvements, with such recommendations as he may deem proper. (1952, c. 582)

§ 16. The mayor shall exercise a constant supervision over the conduct of all subordinate officers; and have power and authority to investigate their accounts; have access to all books and documents and offices, and have power to suspend all officers elected or appointed by the council, as well as any that may be appointed by himself, for misconduct in office, or neglect of official duty, which shall be specified in the order of suspension, but such suspension shall be effective only until the next succeeding regular meeting of the council. In case of the suspension of any officer, the mayor shall appoint some other qualified person in his place to hold said office and perform all of the duties thereof until the next regular meeting of the council; and at such next regular meeting of the council, the mayor shall report his suspension of the officer suspended to the council, together with his reasons for such suspension. (1952, c. 582)

§ 17. The council shall by ordinance or resolution, fix the time for its regular stated meetings; and no business shall be transacted at a special meeting except that for which it shall be called. If, however, all members of the council are present at a special meeting, then any business may be transacted at such meeting that might be properly brought before a regular meeting of the council. The council of said town within the limits of the Constitution of the Commonwealth, and in accordance with the general laws thereof, may in the name of and for the use of the town, contract loans or cause to be issued certificates of indebtedness, notes or bonds. The issuance of bonds or other evidence of indebtedness by the town shall conform to the provisions of the general laws of the Commonwealth with respect to the issuance of bonds by towns, so far as the same are applicable. (1952, c. 582; 1986, cc 48, 380)

§ 18. No ordinance hereafter passed by the council of said town as now constituted, or hereafter elected, for the violation of which any penalty is imposed, shall take effect until the same shall have been published in at least one issue of a newspaper published in or having a general circulation in said town, or by printed handbills posted for the length of time and in such manner as the council may order. If such publication be by handbills, the same shall be posted in at least three public places in said town, and a certificate of such posting shall be filed by the sergeant of the town in the office of the clerk of the council. After the expiration of six months from the date of the passage of any ordinance, its publication shall not be questioned, or its validity affected by any failure to publish the same. All laws, regulations and ordinances of the town, when certified by the clerk of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, committee, commission, body or board. (1952, c. 582)

§ 19. The town council shall not take or use any private property for streets or other public improvements without paying to the owner thereof just compensation for same; but in cases where the council shall fail by agreement to obtain title to any real estate or any easement therein for such property, it shall be lawful for the said council to

apply to the Circuit Court of Patrick County or any other court or body having jurisdiction in such matters, for authority to condemn the same, and any proceeding brought for the foregoing purposes shall be brought and conducted in the manner required by the laws of the Commonwealth. (1952, c. 582)

§ 20. In every case where a street of said town is being encroached upon, or shall be encroached upon, by any fence, building or otherwise, the council may require the owner, if known, or if unknown, the occupant of the premises so encroaching to remove the same; and if such removal be not made within the period fixed by the council, then the council shall have the power to impose a penalty of not exceeding \$5.00 per day for each and every day that such encroachment is permitted to continue thereafter, and may cause the encroachment to be removed, and may collect from the owner or occupier of the encroaching premises the cost of removing the same in the manner provided for the collection of taxes and levies. No encroachment upon any street, sidewalk, public alley or any other property belonging to said town, or over which said town has an easement, however long continued, shall constitute an adverse possession so as to confer any right upon the person claiming thereunder or against the said town. (1952, c. 582)

§ 21. Any street or alley laid off and reserved in the division or subdivision into lots of any portion of the territory within the corporate limits of said town by plat or plan of record shall be deemed and held to be a dedication to the public use unless it appears by the record that the street or alley so reserved is designated and intended for private use only. (1952, c. 582)

§ 22. There shall be elected by the council at its first meeting in September following its election or as soon thereafter as practicable, one town treasurer, who shall hold office during the pleasure of the council. He shall qualify and give bond before the council with surety approved by it in a penalty to be determined by the council. (1952, c. 582)

§ 23. The treasurer shall receive all money belonging to the town, and shall perform all such other duties as are or may be prescribed by the council. He shall keep his office in some convenient place in the town, and shall keep his books, accounts and records in such manner as the town council may direct, and such books, accounts and records shall always be subject to the inspection of the mayor, any member of the town council, or any committee or committees thereof. He shall receive for his services such compensation as the town council may from time to time prescribe for such services. (1952, c. 582)

§ 24. The treasurer shall report to the council or to a committee thereof at the end of each month, or oftener, if required by the council, a full and detailed account of receipts and expenditures during the preceding month, and the state of the treasury at the end of each month. He shall also keep a register of all warrants, their dates, amounts, numbers and the fund from which paid, and the person to whom paid, specifying also the time of payment; and all such warrants shall be examined by a committee of the council appointed for that purpose, who shall compare the same with the books of the treasurer and report discrepancies if any, to the council. (1952, c. 582)

§ 25. No money shall be paid out by the treasurer except by order of the council and upon a warrant of the clerk of the council, countersigned by the mayor; and the said treasurer shall keep a separate account of each fund or appropriation, and of the debts and credits belonging thereto. (1952, c. 582)

§ 26. The treasurer shall collect all taxes, levies and assessments which may be imposed by the town council, as well as any other monies due to the town from any source, and for the purpose shall be invested with all of the powers and subject to all the liabilities and penalties prescribed by law in regard to county treasurers. (1952, c. 582)

§ 27. All funds received on any levy or assessment shall be held by the treasurer as a public fund, to be applied to the purpose or purposes for which the levy or assessment was made, and shall be used for no other purpose whatever, except if there is a balance left after the accomplishments of the purpose or purposes for which such levy or assessment was made, then, and in such event, such balance may be used in any manner that the council of the town may direct. (1952, c. 582)

§ 28. The treasurer may be required to keep all funds belonging to the town in such place or places of deposit as the council may by ordinance or resolution direct. All funds of the town in the hands of the treasurer shall be kept separate and distinct from all other funds, and he is hereby expressly prohibited from using either directly or indirectly any corporate funds or warrants for his own benefit or that of any other person or persons whomsoever. (1952, c. 582)

§ 29. There shall be elected by the council at its first meeting in September after its election, or as soon thereafter as practicable, a clerk of the council, who shall hold office during the pleasure of the council. It shall be his duty to attend the meetings of the council and keep a record of all of its proceedings. He shall keep all records and papers required to be kept by this act or that may be required to be kept by order of the council. He shall publish such reports and ordinances as the town council is required by this act to publish, and such other reports and ordinances as the council may direct, and shall in general, perform all such other acts and duties as the council may from time to time require. (1952, c. 582)

§ 30. The clerk of the council shall perform all of the duties of a commissioner of revenue in relation to the assessment of property for the purpose of levying the town taxes and shall assess all license taxes that may be imposed by the council. He shall keep his office in some convenient place in the said town, and keep therein such books, schedules, records and other papers as the council may direct, which may be subject at all times to the inspection and examination of the mayor or any member of the council, or any committee or committees thereof. His compensation shall be such an amount as the council may from time to time prescribe and allow. (1952, c. 582)

§ 31. There shall be elected by the council at its first meeting in September after its election, or as soon thereafter as practicable, one town sergeant, who shall hold office during the pleasure of the council, who shall perform the duties and be subject to the liability prescribed by this charter, and by the general law and by the ordinances, by-laws and regulations of the town council. He shall have authority within the corporate limits of said town, and to a distance of one mile beyond the same, to execute criminal process issued under the authority of this charter, and to make arrests for violations of the laws and ordinances of the town, and shall have general police powers. It shall be the duty of the sergeant or any police officer to swear out warrants for arrest for any person or persons where they have reason to believe that any violation of the ordinances, by-laws, rules and regulations of the town has been committed. (1952, c. 582)

§ 32. In said town the assessment of all property, real, personal and mixed for the purposes of municipal taxation, shall be the same as the assessment thereof for the

purpose of State taxation, when there shall be a State assessment of such property. (1952, c. 582)

§ 33. The town council, in addition to the State taxes or licenses, may, when anything for which a license is so required is to be done within the town, impose a tax for the privilege of doing the same, and require a license to be obtained therefor. Said license to be for such time and cover such period as the council of the said town shall prescribe; and in any case in which they see fit, may require from the person, firm, or corporation so licensed bond, with surety in such penalty and with such condition as they may deem proper, or make other regulations concerning the same, and within the limitations of the Constitution of the State and of the United States, may levy a license tax on any other business carried on in the town, whether a license tax is required therefor by the State or not; provided no license shall be required in any case where the requirement or imposition thereof by cities or towns is prohibited by general law. (1952, c. 582)

§ 34. The council of said town shall annually cause to be made up and entered on their journal an account of all sums lawfully chargeable on the town which ought to be paid within one year, and order a town levy of so much as in their opinion, not exceeding \$1.50 on one hundred dollars assessed valuations, is necessary to be raised in that way, in addition to what may be received for licenses and from other sources. The levy so ordered may, among other things, be upon all persons, both male and female in said town, above the age of 21 years, not exceeding \$1.00, upon each such person and upon the property therein, and on such other subjects as may at the time be assessed or assessable with State taxes except when in conflict with general law. (1952, c. 582)

§ 35. The council of the town may adopt and use the jail of Patrick County as the jail of said town. It is also given the power to adopt and use any other jail or prison farm in the Commonwealth with which it may be able to contract for the purpose of confining the prisoners of the town, so long as the same is not in conflict with the general law of the Commonwealth. (1952, c. 582)

§ 36. All ordinances, by-laws and regulations now in force in said town that are not inconsistent with this charter or the laws of the Commonwealth, and of the United States, shall be and remain in full force until amended or repealed by the council of said town. (1952, c. 582)

§ 37. If any section or provision of this act shall for any reason be adjudged in any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act. (1952, c. 582)