

TAZEWELL, TOWN OF
County of Tazewell.

Jeffersonville established, 1801, c. 30 (Hening's Statutes at Large, Vol. II).

Incorporation, 1822, c. 97; repealed 1840, c. 173.

Charter, 1840, c. 173.

Incorporation, 1850, c. 279.

Incorporation and charter as Town of Jeffersonville, 1866, c. 159; repealed 1916, c. 78.

Name changed to Tazewell, 1892, c. 447.

Incorporation and charter, North Tazewell, 1894, c. 384.

Charter, North Tazewell, 1916, c. 121; repealed 1942, c. 109.

Charter, North Tazewell, 1942, c. 109.

Charter, Tazewell, 1916, c. 78; repealed 1958, c. 358.

Charter, Tazewell, 1958, c. 358.

(Tazewell and North Tazewell consolidated by court order July 3, 1962, effective January 2, 1963.)

Amended 1966, c. 123 (§§ 2-1, 5-12)

1973, c. 155 (§§ 3-2, 3-5)

1998, c. 366 (§ 2-426).

ARTICLE I--INCORPORATION

§ 1-1. Incorporation.

The inhabitants of the territory embraced within the present limits of the Town of Tazewell as hereinafter defined, or as the same hereafter may be altered or established by law, shall constitute and continue to be a body politic and corporate, to be known and designated as the Town of Tazewell, and as such have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure, and shall have and exercise all the powers conferred by, and be subject to all the laws of the State of Virginia for the government of towns of the State of Virginia. (1958, c. 358)

§ 1-2. Form of Government.

The municipal government provided by this charter shall be known as the "Town Manager Plan." Pursuant to its provisions, and subject to the constitution and general laws of the Commonwealth, all powers of the town shall be vested in an elected council hereinafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies and appoint the town manager, who shall execute the laws and administer the government of the town. (1958, c. 358)

§ 1-3. Boundaries.

The boundaries of the town shall be as established by Chapter 78 of the Acts of Assembly of 1916, approved February 29, 1916, as follows:

"Beginning at a station one, the northwest corner of Mistress R. B. Gillespie's old seminary lot; thence crossing the turnpike east of the town of Tazewell to a station two, on the north side of said turnpike, southwest corner of T. G. Witten's land, and also corner of the Tazewell Courthouse Improvement Company's plat of lots; thence with said company's lines north thirty-three degrees three minutes west, four hundred and seven and four-tenths feet, to station three; north fifty-eight degrees twenty-seven minutes east,

thirty-six feet, to station four; north seventy-eight degrees east, four hundred twenty-four and nine-tenths feet, to station five; north thirteen degrees west one thousand eight hundred and seventeen feet, to station six; north eighty-four degrees west seven hundred and fifty feet, to station seven; north thirteen degrees forty-two minutes west fifty-three feet, to station eight; thence north eighty-five degrees fifty-two minutes west, one hundred and ninety-one feet, to station nine, southwest corner of lot seven, section thirty-three on said plat of lots; thence south four degrees forty-eight minutes west, seventy-five feet, to station ten, thence north eighty-five degrees fifty-two minutes west, one thousand two hundred and seventy-five feet, to station eleven, the northwest corner of lot one, section seven, of said plat of lots; thence north nine degrees fourteen minutes west, one thousand one hundred and forty-two feet, to station twelve in a former line of the corporate limits of said town; thence with said old line north fifty-eight degrees west, three hundred feet, to station thirteen on the east side of the old road leading to Tazewell station, and with the east side of same south thirty-three degrees west, ten poles and nine links, to station fourteen; south eighty-seven degrees west, eighteen poles and seven links, to station fifteen; south seventy-seven degrees west, three poles and sixteen links, to station sixteen; south forty-nine degrees thirty minutes west, five poles to station seventeen; south twenty-two degrees forty-five minutes west, five poles and eight links, to station eighteen, south thirteen degrees and thirty minutes east, ten poles and sixteen links, to station nineteen; thence north eighty-two degrees thirty minutes west, twenty-eight poles, crossing said road to station twenty; thence south eleven degrees east, forty-eight poles and ten links, to station twenty-one; thence south fifty-four degrees and thirty minutes east, thirty-seven poles, to station twenty-two on the west side of said old road, eight feet west of J. S. and A. P. Gillespie's gate post; thence south sixty-one degrees fifty-three minutes west, thirty poles and seven links, to station twenty-three; thence north eighty-two degrees fifteen minutes west, thirty-six poles and twenty-one links, to station twenty-four, at a gateway on said Gillespie's private road; thence south sixty-seven degrees west, thirty-six poles and three links, to station twenty-five; thence south thirty-eight degrees east, thirty poles and fifteen links, to station twenty-six on the north edge of the turnpike west, of the said town; thence with north side of same, south sixty-six degrees thirty minutes west, six poles and twenty-three links to station twenty-seven; south fifty-seven degrees forty-five minutes west, twenty-six poles and eleven links, to station twenty-eight; south sixty-eight degrees thirty minutes west, twenty poles and six links, to station twenty nine on H. G. Peery's line; thence crossing said turnpike south thirty degrees fifteen minutes east, seventy-three poles, to station thirty; thence south seven degrees, east one hundred poles to station thirty-one; south eighty-five degrees east, twenty-six poles to station thirty-two; thence south seventy-four degrees fifteen minutes east, twenty poles, to station thirty-three; thence south seventy-six degrees thirty minutes east, thirty-seven poles and fifteen links, to station thirty-four; north thirty-six degrees forty-five minutes east, thirty poles, to station thirty-five; thence south twenty-one degrees east, twenty-seven poles, to station thirty-six; thence south one degree thirty minutes west, twenty-one poles, to station thirty-seven; thence north eighty degrees thirty minutes east, one hundred and twenty-nine poles, to station thirty-eight, in line between A. J. May and S. D. May; thence north seventy degrees east, one hundred and thirty-eight poles, to station thirty-nine, in line between S. D. May and A. J. May, junior; thence north thirty-five degrees west, seventy-seven poles to station forty, on south edge of W.

O. Whitman's road; thence with south side of said road south seventy-seven degrees forty-five minutes west, fifty-three poles and three links, to station forty-one, opposite Amy Smith's southwest corner; thence north eleven degrees and thirty minutes west, thirteen poles and five links, to station forty-two; thence north seventy-five degrees thirty minutes east, sixteen poles and thirteen links, to station forty-three; thence north forty degrees thirty minutes west, nineteen poles, to station forty-four; thence north sixty-six degrees thirty minutes east, thirty-seven poles and seven links, to station forty-five; thence north seventy-one degrees east, sixty-eight poles, to station forty-six, in W. O. Whitman's line; thence north twenty-two degrees forty-five minutes west, forty-three poles, to station forty-seven; south fifty-seven degrees west, thirty-two poles, to station forty-eight; thence north thirty-four degrees west, one hundred and six poles, to station forty-nine, on the south side of the turnpike east, of said town; thence with south side of said turnpike south sixty-three degrees fifteen minutes west, eight poles to station fifty; thence south forty-nine degrees west, seven poles to the beginning." (1958, c. 358)

ARTICLE II--POWERS

§ 2-1. General Grant of Powers.

The powers set forth in §§ 15.1-837 through 15.1-915, inclusive, of Chapter 18 of Title 15.1 of the Code of Virginia as in force on January 1, 1966, are hereby conferred on and vested in the Town of Tazewell, Virginia, together with all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth, and all other powers pertinent to the town government the exercise of which is not in conflict with the said Constitution and the laws of the Commonwealth of Virginia, and which, in the opinion of the council are necessary or desirable to promote the general welfare of the town and the safety, health, peace, good order, comfort, convenience, and morals of its inhabitants as fully and completely as though such powers were specifically enumerated in this charter, and no enumeration of particular powers in this charter shall be held to be exclusive but shall be held to be in addition to this general grant of powers. (1958, c. 358; 1966, c. 123)

§ 2-2. Financial Powers.

In addition to the powers granted by other sections of this charter, the town is empowered: (1958, c. 358)

§ 2-201. To raise annually by levy of taxes and assessments in the town on all property, real and personal, as it now or may be subject to taxation by towns by the laws of this Commonwealth, such sums of money as the council shall deem necessary for the purposes of the town, in the manner as the council shall deem expedient in accordance with the Constitution of this State and of the United States. (1958, c. 358)

§ 2-202. To impose special or local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and laws as may be in force at the time of the imposition of such special or local assessments. (1958, c. 358)

§ 2-203. To require the owner of every motor vehicle kept or habitually used in the town, on a date to be designated by the council, to annually register such motor vehicle and to obtain a license to operate the same by making application to the Town Treasurer, or such other persons as may be designated by the town council to issue such license, and to require the vehicle owner to pay an annual license fee therefor to be fixed

by the council, provided that the license shall not exceed the amount charged by the State on such vehicle. (1958, c. 358)

§ 2-204. To establish, levy and collect, except when prohibited by general law, a tax or license on any person, firm or corporation pursuing or conducting any trade, business, profession, occupation, employment or calling whatsoever within the boundary of the town, whether a license may be required therefor by the State or not, provided that such license fee therefor, shall not exceed the amount charged by the State for such license, if the State requires a license for such trade, business, profession, occupation, employment or calling, and may provide penalties for the nonpayment thereof, which penalties may include, among other things, the right to prohibit such person, firm or corporation from pursuing or conducting such trade, business, profession, occupation, employment or calling within the boundaries of said town unless and until such license shall have been paid. (1958, c. 358)

§ 2-205. To establish, levy and collect taxes for admission to or other charges for any public amusement, entertainment, performance, exhibition, lecture, sport or athletic event in the town, which taxes may be added to and collected with the price of such admission or other charge. (1958, c. 358)

§ 2-206. To establish, levy and collect taxes upon the amount paid for the use of water, sewage facilities, electricity, gas, telephone or other public utilities service used within the town, which public utility service is wholly owned, operated and controlled by the town or an agency, board or commission of the town, which taxes may be added to and collected with the bills rendered to the purchasers of such service. (1958, c. 358)

§ 2-207. To establish, levy and collect a tax on all subjects of taxation not prohibited to it by, or exempted in, the Constitution and general laws of Virginia. (1958, c. 358)

§ 2-208. To establish, levy and enforce the collection of water and sewage rates and charges, and rates and charges for public utilities, products or conveniences operated, rendered or furnished by the town; and to assess or cause to be assessed, after reasonable notice to the owner or owners, water, sewage rates and charges directly against the owner or owners of the buildings or against the proper tenant or tenants. In event such rates or charges are assessed against the owner or owners, such rates and charges, together with such penalties, and interest not to exceed six per cent, as the council by ordinance may prescribe, shall constitute and be a lien against the real estate and buildings in or on which such service is rendered, and may be filed in the Clerk's Office of the Circuit Court of Tazewell County and collected in such manner as delinquent taxes are filed and collected. In the event such rates and charges shall be assessed against a tenant, then the council may by ordinance require of such tenant a deposit of such reasonable amount as it may by such ordinance prescribe before furnishing such service to such tenant. The town shall have the right and power to charge a different rate for water or sewage service rendered or furnished to citizens without the corporate limits from the rates charged for similar services furnished to citizens within the corporate limits. (1958, c. 358)

§ 2-209. To charge and collect fees for permits to use public facilities and for public services and privileges. The said town shall have the right and power to charge a different rate for any service, facility or privilege rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar services, facilities

or privileges rendered or conveniences furnished to citizens within the corporate limits. (1958, c. 358)

§ 2-210. To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers, rights, duties and functions of the town government. (1958, c. 358)

§ 2-211. To provide, or add to the support of public libraries, public schools, public hospitals, public parks, public museums, and public recreation facilities. (1958, c. 358)

§ 2-212. To provide for the control and management of the fiscal affairs of the town, and to prescribe and require the adopting and keeping of such books, records, accounts and systems of accounting as may be necessary to give full and true accounts of the affairs, resources and revenues of the town, and the handling, use and disposal thereof. (1958, c. 358)

§ 2-213. To borrow money, contract debts, make and issue, or cause to be issued as evidences thereof, bonds, notes, or other obligations within the limitations prescribed by the Constitution, and in accordance with the provisions of the law concerning bond issues by towns, upon the credit of the town or solely upon the credit of specific property owned by the town or solely upon the credit of income derived from property, facilities or services in connection with any public utility owned or operated by the town. (1958, c. 358)

§ 2-214. To expend the money of the town for any and all lawful purposes. (1958, c. 358)

§ 2-3. Powers Relating to Public Works, Utilities and Properties.

In addition to the powers granted by other sections of this charter, the town is empowered: (1958, c. 358)

§ 2-301. To acquire by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein within or without the town for any purposes necessary in carrying out any of the functions of the town or the government of the town; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property now owned by the town. (1958, c. 358)

§ 2-302. To own, operate and maintain waterworks; to acquire in any lawful manner in any county of the state such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing an adequate water supply to the town and of piping and conducting the same; to lay, erect and maintain all necessary mains and service lines either within or without the corporate limits of the town, for the distribution of water to customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rates therefor; to erect and maintain all necessary dams, storage basins or tanks, filtration plants, purification plants, pumping stations and other works in connection therewith; to make reasonable rules and regulations for promoting the purity of its water supply and of protecting the same from pollution; and for this purpose to exercise full police powers and sanitary control over all land owned or leased by the town and within the limits of the watershed tributary to any such water supply wherever such lands may be located in this state; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction or any other appropriate legal process any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof for

adequate water supply; and to carry out the powers herein granted, the town may exercise within this state all powers of eminent domain provided by the laws of this State. (1958, c. 358)

§ 2-303. To construct, maintain, regulate and operate public improvements of all kinds, including, among other things, but not limited to, municipal and other buildings, armories, sewage disposal plants, jails, comfort stations, markets and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the town, and for the comfort, welfare and benefit of the citizens; to acquire by condemnation or otherwise, as may be provided by law, all lands, riparian and other rights, easements, rights of way and privileges as may be necessary for such improvements, or any of them, either within or without the town; and to construct, maintain or aid therein, roads, streets, highways, bridges, underpasses and overpasses to any property owned by the town and situate beyond the corporate limits thereof, and to acquire the land necessary by condemnation or otherwise as may be provided by law. (1958, c. 358)

§ 2-304. To survey, establish, enter, open, widen, extend, grant, construct, pave, maintain, repair, light, sprinkle and clean public streets, highways, alleys, sidewalks, parkways, and parks, and relocate, alter or close the same; and in relocating, altering or closing any public street, alley, sidewalk, parkway or park, to have the power to agree to a substitution of a new location, in whole or in part, in the place and stead of such street, alley, sidewalk, parkway or park, or portions thereof relocated, altered or closed, and to execute such agreements, releases or deeds in connection therewith as may be deemed expedient or proper in carrying the same into effect; and also to have the power to ratify and approve the substitution and new locations, in whole or in part, in the place of a public street, alley, sidewalk, parkway or park, or portions thereof previously relocated, altered or closed, in whole or in part, and all approving and ratifying agreements, releases or deeds previously executed by said town in connection therewith and carrying the same into effect at the time thereof, if deemed expedient and proper; to regulate the weight of loads to be hauled or carried over and upon the streets, alleys, sidewalks and parkways, insofar as such regulation of weights and loads does not conflict with general State laws relating to load limits to be carried or transported over state highways; to regulate the use of all such highways, parks, streets, sidewalks, alleys, parkways and public places; to prevent the obstruction, destruction or injury to any such streets, highways, alleys, parkways, parks, sidewalks or public places; in conformity with and subject to the provisions of Articles 3 and 6 of Chapter 13 of Title 56 of the Code of Virginia, 1950, as amended, to require any railway company operating a railroad at the place where any highway, street or alleyway or sidewalk is crossed within the limits of the town, to construct and maintain adequate crossings and to erect and maintain at such crossing any style of gate or warning signal deemed proper by council; to regulate the operation and speed of all cars, motorcycles, bicycles, or vehicles of any nature whatsoever upon said streets or highways, as well as the speed of all engines, cars and rolling stock of railroad trains within the town; to permit or prohibit towers, poles, conduits, cables, or wires for electric, telephone, telegraph, radio or television purposes to be erected, wired, or constructed; to construct, maintain, repair and operate bridges, sidewalks, subways, tunnels, sewers, and drains or to permit the construction, maintenance, repair and operation thereof; to plant, maintain or remove shade trees along the streets and upon

public grounds; and to do all other things whatsoever to make said streets and highways safe, convenient and attractive. (1958, c. 358)

§ 2-305. To establish, maintain, regulate the use of parks, golf courses, playgrounds, stadia, recreation areas and public grounds, and to keep them lighted and in good order; to construct in such parks, golf courses, playgrounds and public grounds as the town may maintain or upon any town property, stadia, swimming pools, gymnasias and recreation or amusement buildings, structures, or enclosures of every character, refreshment stands, restaurants and the like; to charge admission for the use of such grounds, and to rent out or lease the privileges of such constructing or using such parks, golf courses, playgrounds, public grounds, swimming pools, stadia, recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants and the like. (1958, c. 358)

§ 2-306. To establish, construct, repair and maintain sanitary sewers, sewer lines and systems, and to require all property owners within the town to connect therewith; to establish, construct, repair, maintain and operate sewage disposal plants; to acquire by condemnation or otherwise, within or without the town, all lands, rights of way, riparian and other rights, and easements necessary for the purposes aforesaid; and to charge, assess and collect reasonable fees, tap fees, rentals, assessments and costs of service for connection with and using the same. (1958, c. 358)

§ 2-307. To grant franchises for public utilities subject to the provisions of the Constitution, the general laws of Virginia and this charter; provided the town shall at any time have the power to contract for, own, operate, manage, sell, lease, encumber or otherwise dispose of, either within or without the town, any and all public utilities for the town and to sell the services thereof, subject to existing franchises, but no utility shall be sold except by an express consent of the citizens by referendum. (1958, c. 358)

§ 2-308. To own, operate, repair and maintain electric light and gasworks, either within or without the corporate limits of the town, and to supply electricity and gas whether the same be generated, produced or purchased by the town, to its customers and consumers both within and without the corporate limits of said town, at such prices and upon such terms as the Council may deem advisable; the town shall have the right and power to charge a different rate for any service rendered for electricity or gas furnished to citizens without the corporate limits of the town from the rates charged for similar services, electricity and gas to citizens within the corporate limits; and to that end the town may contract and purchase electricity and gas upon such terms as it may deem expedient. (1958, c. 358)

§ 2-309. To establish, maintain and operate landing fields or airports within or without the corporate limits of the town and for such purposes to acquire real estate by gift, lease purchase or condemnation; to lease such landing fields or airports to others to be used for any lawful purpose; to sell, encumber, or otherwise dispose of the same as the Council may deem expedient; to erect and maintain buildings and appurtenances necessary for the use of such landing fields and airports and to prescribe and enforce rules and regulations not in conflict with the laws, rules and regulations prescribed by the State of Virginia and the Federal Government for the use and protection of the citizens and for such landing fields or airports. (1958, c. 358)

§ 2-310. To give names to and to change and alter the names of streets and alleys. (1958, c. 358)

§ 2-311. To acquire, construct, own, maintain and operate within and without the corporate limits of the town, places for the parking or storage of vehicles by the public, which shall include but shall not be limited to, parking lots, garages, buildings or other lands, structures, equipment and facilities, when in the opinion of the Council they are necessary to relieve congestion in the use of streets, roads and alleys, and to reduce hazards incident to such use; to provide for their management and control by a department of the town government or by a board, commission or agency especially established by ordinance for that purpose; to authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the Council may prescribe by appropriate ordinance or resolution; and to charge or authorize the charging of compensation for the parking or storage of vehicles, or other services at or in such places. (1958, c. 358)

§ 2-312. To accept or to refuse, by ordinance or resolution, the dedication of streets, roads, parks, parkways and alleys, easements or lands for other public use or purpose, unless the title to the same be acquired in fee simple in accordance with any subdivision regulation adopted under the provisions of Article VII. (1958, c. 358)

§ 2-313. To exercise the power of eminent domain within the town for any lawful purpose of the town; and without the corporate limits of the town for any property required for any of the public services or utilities of the town. (1958, c. 358)

§ 2-4. Power to Make Regulations for the Preservation of the Safety, Health, Peace, Good Order, Comfort, Convenience, Morals and Welfare of the Town and its Inhabitants.

In addition to the powers granted by other sections of this charter, the town shall have power to pass and enforce bylaws, rules, regulations and ordinances, not in conflict with this charter or prohibited by the general laws of the Commonwealth, for the preservation of the safety, health, peace, good order, comfort, convenience, morals and welfare of the town and of its inhabitants, and among such powers, but not a limitation thereof, the town is empowered: (1958, c. 358)

§ 2-401. To collect and dispose of sewage, offal, ashes, garbage, trash, carcasses of dead animals and other refuse, and to make reasonable charges therefor, and to provide such facilities for citizens living without the corporate limits of said town and to make reasonable charges therefor; to acquire and operate dumps, land fills, reduction plants, or any other plants for the utilization or destruction of such materials; and to contract for or regulate the collection and disposal thereof. (1958, c. 358)

§ 2-402. To inspect, test, measure and weigh any commodity or commodities, or articles of consumption for use within the town; and to establish, regulate, license and inspect weights, meters, measures and scales; to provide standards of purity, in conformity with existing state and federal laws and regulations for milk, foods and foodstuffs sold within the corporate limits of the town. (1958, c. 358)

§ 2-403. To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals and other similar shows or fairs or to prohibit the holding of the same or any of them within the town. (1958, c. 358)

§ 2-404. To compel the abatement and removal of all nuisances within the town or upon property owned by the town without the corporate limits at the expense of the person or persons causing the same, or of the owner or occupant of the grounds or premises whereon the same may be and to collect said expense by suit or motion or by

distress or sale; to require that all lands, lots and other premises within the town be kept clean and sanitary and free from stagnant water, weeds, filth, junk and unsightly deposits, or to make them so at the expense of the owners or occupants thereof; to control and regulate junk yards and automobile parts yards to the end that such junk yards or automobile parts yards shall not be unsightly, and the town may require by appropriate ordinance that all such junk yards or automobile parts yards be so fenced or screened that the same will be hidden from public view and in the event it is necessary for the town to do any work in connection with keeping the property or lands sanitary and free from stagnant water, weeds, filth, junk or other unsightly deposits or controlling such junk yards or automobile parts yards as above set forth, the town shall have the right to collect moneys expended by it from the owner or operator by suit or motion or by distress and sale; to pass and enforce any ordinance that may be necessary for the public safety for the control of dogs, cats and other pets; to regulate or prevent slaughter or other noisome or offensive business within the town, the keeping of hogs or other animals, poultry or other fowl therein or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through and upon the streets of the town; to compel the abatement of smoke and dust and prevent unnecessary noise; to regulate the location of stables and the manner in which they shall be kept and constructed; to regulate the location, construction, operation and maintenance of billboards, signs and advertising; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, aesthetic sensibilities, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having sidewalks in front thereof to keep the same clean and sanitary and free from all weeds, filth, junk, unsightly deposits, ice and snow. (1958, c. 358)

§ 2-405. To extinguish and prevent fires and to establish, maintain, regulate and control a fire department or division; to regulate the size, height, materials and construction of buildings, fences, walls, retaining walls and other structures hereafter erected in such manner as the public safety and convenience may require; to remove or require to be removed or require to be reconstructed any building, structure or addition thereto which, by reason of dilapidation, defect of structure or other causes, may have become dangerous to life or property, or which may be erected contrary to law; to establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, added to, enlarged or repaired, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, steel or other fireproof materials; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainment or amusements. (1958, c. 358)

§ 2-406. To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, kerosene oil or other like materials; to regulate the discharge of firearms, and the making of bonfires in the streets and yards; to prohibit the sale and use of fireworks. (1958, c. 358)

§ 2-407. To provide for regular and safe construction of houses in the town for the future; and to provide a building code for the town, and setback lines on the streets. (1958, c. 358)

§ 2-408. To provide for the preservation of the general health of the inhabitants of the town, make regulations to secure the same, inspect all foodstuffs and prevent the introduction and sale in the town of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof; to prevent the introduction or spread of contagious or infectious diseases, and prevent and suppress disease generally, to provide and regulate hospitals within or without the town limits, and if necessary to the suppression of disease, to enforce the removal of persons afflicted with contagious or infectious diseases to hospitals provided for them; to construct and maintain or to aid in the construction and maintenance of a hospital or hospitals for the use of the people of the town. (1958, c. 358)

§ 2-409. To provide and maintain, either within or without the town, charitable, recreative, curative, corrective, detentive or penal institutions. (1958, c. 358)

§ 2-410. To prevent fowls and animals being kept in or running at large in the town, or any thickly populated portion thereof, and to subject the same to such taxes, regulations and penalties as the council may think proper. (1958, c. 358)

§ 2-411. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, or engaging in any sort of employment in the public streets which is dangerous or annoying to passersby, and to prohibit and punish the abuse of animals. (1958, c. 358)

§ 2-412. To control, regulate, limit and restrict, insofar as not prohibited by general law, the operation of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the use of automobiles and other automotive vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through the town and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe such regulations respecting motor traffic therein as may be necessary for the general welfare. (1958, c. 358)

§ 2-413. To exercise full police powers and establish and maintain a department or division of police. (1958, c. 358)

§ 2-414. To restrain and punish drunkards, vagrants and street beggars; to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame and gambling houses; to prevent and punish lewd, indecent and disorderly exhibitions in the town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year. (1958, c. 358)

§ 2-415. To prohibit and punish for mischievous, wanton or malicious damage to school and public property, as well as private property. (1958, c. 358)

§ 2-416. To offer and pay rewards for the apprehension and conviction of criminals; to compel persons sentenced to confinement in the jail of the town for any misdemeanor or other violation of the laws or ordinances of said town to work on the public streets, parks or other public works of the town; and on the requisition of the mayor, or other person acting as judge of the municipal court, it shall be the duty of the police of the town to deliver such person to the duly authorized agent of the town for such purposes from day to day as he may be required. For the purpose of carrying into effect the police regulations of said town, the town may, subject to the provisions of general law, be allowed the use of the jail of Tazewell County or the jails of other

counties or municipalities, or the use of the facilities of Bland Correctional Farm, for the safekeeping and confinement of all persons who shall be sentenced to imprisonment under an ordinance of said town, provided, however, the town shall pay the cost of keeping such persons in such jails or at such correctional farm. (1958, c. 358)

§ 2-417. To prohibit begging, and to prohibit or regulate the soliciting by any person, group of persons, firm, corporation, charitable organization and the like, and the peddling or hawking of any article for sale within the town, provided that such prohibition or regulation shall not be applied with respect to persons duly licensed and regulated exclusively by the Commonwealth of Virginia; the town, however, shall have the right to require the purchase of a local license at a cost not exceeding the cost of a similar state license, from any person, firm or corporation hawking or peddling any article for sale within the town. (1958, c. 358)

§ 2-418. To punish for releasing or attempting to release a prisoner, or interfering in any manner with an officer in the exercise of his official duties. (1958, c. 358)

§ 2-419. To make and enforce ordinances to regulate, control, license and tax the manufacture, bottling, sale, distribution, handling, advertising, possession, dispensing, drinking, and use of alcohol, and all liquids, beverages and articles containing alcohol obtained by distillation, fermentation or otherwise; provided, however, that no such ordinance shall be in conflict with any of the provisions of the Alcoholic Beverage Control Act or the general laws of this Commonwealth with respect to such alcoholic beverages, liquids, and articles. (1958, c. 358)

§ 2-420. To provide for the protection of the town's property, real and personal, the prevention of the pollution of the town's water supply, and the regulation of the use of parks, playgrounds, playfields, recreational facilities, cemeteries, airports and other public property, whether located within or without the town. For the purpose of enforcing such regulations all town property wherever located shall be under the police jurisdiction of the town. Any member of the police force of the town, or employee thereof appointed as a special policeman, shall have power to make arrests for violation of any ordinance, rule or regulation adopted pursuant to this section and the police justice shall have jurisdiction in all cases arising thereunder within the town and the county court of the county wherein the offense occurs shall have jurisdiction of all cases arising thereunder without the town. (1958, c. 358)

§ 2-421. To prescribe the location in, under or over, and grant permits for the use of, streets, alleys, and other public places for the maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges, subways, vaults, sewers, areas and cellars; require tracks, poles, wires, cables, pipes, conduits and bridges to be altered, removed or relocated either permanently or temporarily; charge and collect compensation for the privileges so granted and prohibit such use of the streets, alleys and other public places of the town, and no such use shall be made of the streets, alleys or other public places of the town without the consent of the council. (1958, c. 358)

§ 2-422. To prevent any obstruction of or encroachment on, over, under or in any street, alley, sidewalk or other public place; provide penalties for maintaining any such obstruction or encroachment; remove the same and charge the cost thereof to the owner or owners, occupant or occupants of the property so obstructing or encroached, and collect the sum charged in any manner provided by law for the collection of taxes; require the owner or owners or the occupant or occupants of the property so obstructing

or encroaching to remove the same; authorize encroachments upon streets, alleys, sidewalks or other public places, subject to such terms and conditions as the council may prescribe, and recover possession of any street, alley, sidewalk or other public place or any other property of the town by suit or action. (1958, c. 358)

§ 2-423. To regulate, in the interest of public health, the production, preparation, distribution, and sale of milk, other beverages and foods for human consumption, and the places within the town in which they are produced, prepared, distributed, sold, served or stored; regulate the construction, installation, maintenance and condition of all water and sewer pipes, connections, toilets, water closets and plumbing fixtures of all kinds; regulate the construction and use of septic tanks and dry closets, and the sanitation of swimming pools; compel the use of sewers, the connection of premises therewith, and the installation in such premises of suitable sanitary facilities; regulate or prohibit connections to and use of sewers; to prevent the connecting of roof drains and storm sewers to any sanitary sewer system; to regulate or prohibit the use of garbage disposal units connected to the sanitary sewer system; and make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the town from contagious, infectious or other diseases. (1958, c. 358)

§ 2-424. To regulate the light, ventilation, sanitation and use and occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and the sanitation of the premises surrounding the same. (1958, c. 358)

§ 2-425. To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided for conviction of such violation. (1958, c. 358)

§ 2-426. To prescribe penalties for the violation of any town ordinance, rule, or regulation, but not exceeding any penalty established by the Commonwealth for a similar offense. (1958, c. 358; 1998, c. 366)

§ 2-427. To make and adopt a comprehensive plan for the town, and to that end all plats and replats hereafter made subdividing any land within the town or within two miles thereof, into streets, alleys, roads, and lots or tracts shall be submitted to and approved by the council or such official or board, including the Tazewell Planning Commission, as the council designates in any regulations controlling the orderly subdivision or land it may adopt, before such plats or replats are filed for record or recorded in the office of the Clerk of Tazewell County, Virginia. (1958, c. 358)

§ 2-428. To do all things whatsoever necessary or expedient and lawful to be done for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants. (1958, c. 358)

§ 2-429. To declare the practice of going in and upon private residences in the Town of Tazewell by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or disposing of and/or peddling or hawking, to be a nuisance and punishable as such as a misdemeanor, provided that the power referred to in this section shall not apply with respect to persons duly licensed and regulated by the Commonwealth Of Virginia. (1958, c. 358)

§ 2-430. To create a Sinking Fund Commission to have full power and control over and administration of a sinking fund or funds for the redemption of bonds, issued heretofore or issued hereafter, in conformity with general law. (1958, c. 358)

ARTICLE III--THE COUNCIL

§ 3-1. Creation and Composition.

The mayor and council of the Town of Tazewell shall consist of a mayor and six councilmen elected at large. All of them shall be residents and qualified voters of the town. (1958, c. 358)

§ 3-2. Nominations and Elections.

The mayor and members of council in office on the effective date of this act shall serve until their successors have been elected and qualified. Municipal elections within the Town of Tazewell shall take place on the first Tuesday in May of each even-numbered year. At each such regular municipal election, three councilmen shall be elected for terms of four years each, and a mayor shall be elected for a term of two years. The terms of office for both councilmen and mayor so elected shall commence on the first day of July, immediately following such election, and shall continue until their successors have been elected and qualified. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of expiration of the term or removal of any of its members. (1958, c. 358; 1973, c. 155)

§ 3-3. Vacancies.

Vacancies in the council shall be filled for the unexpired term by a majority of the remaining members. The present council shall continue in office until the expiration of the terms for which they were elected. (1958, c. 358)

§ 3-4. Powers.

All powers of the town and the determination of all matters of policy shall be vested in the council. Except as otherwise provided in this charter, the council is empowered to: (1958, c. 358)

§ 3-401. Appoint and remove the town manager, the town clerk, the town attorney, the police justice, issuing justices and officers of the volunteer fire department. (1958, c. 358)

§ 3-402. Adopt a budget of the town. (1958, c. 358)

§ 3-403. Inquire into the conduct of any office, department or agency of the town and make investigations as to municipal affairs. (1958, c. 358)

§ 3-404. Appoint members of the Planning Commission, the Board of Zoning Appeals, the Sinking Fund Commission, Recreation Commission and the members of any and all other boards, agencies and commissions authorized by this charter or by general law, and fill any vacancies thereon. (1958, c. 358)

§ 3-405. Create a housing authority. (1958, c. 358)

§ 3-406. Adopt and modify the official map of the town. (1958, c. 358)

§ 3-407. Pass all laws and ordinances relating to its municipal affairs subject to the Constitution and general laws of the Commonwealth and of this charter, and may from time to time amend, reamend, or repeal any or all of its ordinances for the proper regulation, management, and government of the town and impose fines and penalties for the violation or nonobservance thereof. (1958, c. 358)

§ 3-408. To compel the attendance of its members and to punish its members for disorderly behavior and by an affirmative vote of five members of the council, expel a member. (1958, c. 358)

§ 3-409. To require and secure bonds for any of the town employees as it may deem necessary. (1958, c. 358)

§ 3-410. To keep a journal of its proceedings, which journal shall be open to public inspection. (1958, c. 358)

§ 3-411. To fix the salaries and wages of all officers and employees of the town except as herein otherwise specifically provided. (1958, c. 358)

§ 3-5. Mayor.

The mayor shall preside over the meetings of the council, have the same right to speak therein as other members and shall vote only in case of a tie but shall have no veto. He shall be recognized as the head of the town government for all ceremonial purposes, the purposes of military law, and the service of civil process. At the regular meeting of the council held in the month of July following a municipal election, the council shall choose, by a majority vote of all the members thereof, one of their number to be vice-mayor for the ensuing two years. The vice-mayor shall in the absence or disability of the mayor perform the duties of mayor, and if a vacancy shall occur in the office of mayor, shall become mayor for the unexpired portion of the term. In the absence or disability of both the mayor and vice-mayor the council shall, by majority vote of those present, choose one of their number to perform the duties of mayor. (1958, c. 358; 1973, c. 155)

§ 3-6. Compensation.

The council may from time to time fix and adjust the compensation for the services of the mayor, council and clerk. (1958, c. 358)

§ 3-7. Rules of Procedure. The council is empowered, subject to the provisions of this charter, to adopt its own rules of procedure. Such rules shall provide for the time and place of holding regular meetings of the council which shall not be less frequently than once each month. They shall also provide for the calling of special meetings by the mayor or any three members of the council, and shall prescribe the method of giving notice thereof, provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meetings except by the unanimous consent of all the members of the council. The meetings of the council shall be open to the public, except when the public welfare, in the opinion of two-thirds of the council, requires secrecy. A majority of the council shall constitute a quorum for the transaction of business. (1958, c. 358)

§ 3-8. Ordinances.

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject. Ordinances making appropriations or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively. (1958, c. 358)

§ 3-81. The enacting clause of all ordinances passed by the council shall be "Be it ordained by the council of the Town of Tazewell." No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than seven days apart, unless the requirement of such reading has been dispensed with by

the affirmative vote of four of the members of the council. No ordinance or section thereof shall be revised or amended by its title section number only, but the new ordinance shall contain the entire ordinance, or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least four of the members. (1958, c. 358)

§ 3-82. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may, by the affirmative vote of two-thirds of its members, pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of town property, or making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. No measure increasing a tax or license, or providing for any new form of tax shall be adopted until notice has been published at least once a week for four consecutive weeks prior to its passage in a newspaper having general circulation in the town. (1958, c. 358)

§ 3-83. Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the town clerk. (1958, c. 358)

§ 3-84. Every member, when present, when a question is put, shall vote unless excused by council. But no member who has any personal or financial interest in the result of any ordinance or resolution before the council shall vote thereon. (1958, c. 358)

§ 3-9. Appointees.

At the first meeting in September following each councilmanic election, or as soon thereafter as practicable the council shall appoint: (1958, c. 358)

§ 3-91. A Town Manager who shall be the administrative and executive head of the municipal government. He shall be chosen by the council without regard to political beliefs and solely upon the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the town or the Commonwealth but during his tenure of office shall reside within the town. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He may be bonded as the council may deem necessary. During the absence or disability of the town manager or in case of a vacancy the council may designate some properly qualified person to perform the duties of the office during such absence, disability, or vacancy. No councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. Neither the council nor any of the members shall direct or request the appointment, as hereinafter provided, of any person to office by the town manager or by any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the town manager and neither the council nor any member thereof shall give orders to any subordinates of the town manager, either publicly or privately. The town manager shall have the authority and it shall be his duty: (1958, c. 358)

§ 3-911. To see that all laws, ordinances, resolution, and bylaws of the council are faithfully enforced. (1958, c. 358)

§ 3-912. To appoint such officers and employees as the council shall determine and authorize as are necessary for the proper administration of the affairs of the town, with the power to discipline and remove any such officer or employee, but he shall report each appointment of any officer having supervisory or administrative authority to the council for confirmation at the next meeting thereof following any such appointment. The chief of police so appointed by the town manager and confirmed by the council shall have the power to discipline his subordinates, and with the approval of the town manager to discharge any subordinate for just cause. Any officer or employee so removed shall have the right of appeal to the council within thirty days after his removal and after notice to the town manager. The action of the council on such appeal shall be final. (1958, c. 358)

§ 3-913. To attend all meetings of the council, with the right to take part in the discussion, but having no vote. (1958, c. 358)

§ 3-914. To recommend to the council for adoption such measures as he may deem necessary or expedient. (1958, c. 358)

§ 3-915. To make reports to the council from time to time upon the affairs of the town and to keep the council fully advised of the town's financial condition and its future financial needs. (1958, c. 358)

§ 3-916. To prepare and submit to the council a tentative budget for the next fiscal year as provided by general law and by this charter. (1958, c. 358)

§ 3-917. To make all contracts on behalf of the town pursuant to a resolution or an ordinance of the council and to act as town purchasing agent. (1958, c. 358)

§ 3-918. To supervise and control all encumbrances, expenditures and disbursements, to insure that budget appropriations are not exceeded and to appoint, subject to confirmation of the council, or upon resolution of the council to act as, the town treasurer with the following duties: (1958, c. 358)

§ 3-9181. To be the collector and custodian of all funds belonging to the town and to deposit such funds in such depositories as may be designated by the council. (1958, c. 358)

§ 3-9182. To have custody of all investments and invested funds of the town in a fiduciary capacity. (1958, c. 358)

§ 3-9183. To disburse by check all moneys payable by the town. If the treasurer is a person other than the town manager, all checks shall be countersigned by the town manager. (1958, c. 358)

§ 3-9184. To protect the interest of the town by withholding the payment of any claim or demand by any person, firm or corporation against the town until any indebtedness or other liability due from such person, firm, or corporation shall first have been settled and adjusted. (1958, c. 358)

§ 3-919. To perform such other duties as may be prescribed or requested by the council. (1958, c. 358)

§ 3-92. A Town Clerk, who may also be the town manager, for an indefinite term and shall hold office during the pleasure of the council. He shall receive such compensation as shall be provided by the council by ordinance or resolution. He shall have the following duties: (1958, c. 358)

§ 3-921. To be custodian of the corporate seal. (1958, c. 358)

§ 3-922. To give notice of council meetings. (1958, c. 358)

§ 3-923. To keep a journal of council proceedings. (1958, c. 358)

§ 3-924. To authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions. (1958, c. 358)

§ 3-925. To prepare all statements for moneys owed the town for supplies or services rendered. (1958, c. 358)

§ 3-926. To perform such other duties as may be prescribed or requested by the council. (1958, c. 358)

§ 3-93. A Town Attorney, for an indefinite term, who shall be an attorney-at-law licensed to practice under the laws of the Commonwealth. He shall receive such compensation and fees as shall be provided by the council by ordinance or resolution. He shall have the following powers and duties: (1958, c. 358)

§ 3-931. To be legal advisor of the council, the town manager and all departments, boards, commissions and agencies of the town, in all matters affecting the interests of the town and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties. (1958, c. 358)

§ 3-932. To prepare, at the request of the town manager or any member of the council, ordinances for introduction and, at the request of the council or any member thereof, shall examine any ordinance after introduction and render his opinion as to the form and legality thereof. (1958, c. 358)

§ 3-933. To draw or approve all bonds, deeds, leases, contracts or other instruments to which the town is a party or in which it has an interest. (1958, c. 358)

§ 3-934. To represent the town as counsel in any civil case in which it is interested and in criminal cases when so requested by the town council. (1958, c. 358)

§ 3-94. A Police Justice as provided in Article V. (1958, c. 358)

§ 3-95. An Issuing Justice, as provided in Article V. (1958, c. 358)

ARTICLE IV--FINANCIAL ADMINISTRATION

§ 4-1. Budgets and Appropriations : (1958, c. 358)

§ 4-11. The fiscal year of the town shall begin on the first day of September and end on the thirty-first day of August of the succeeding year. (1958, c. 358)

§ 4-12. At the regular July meeting of the council, the town manager shall submit to the council separate current expense budgets for the general operation of the town government, hereinafter referred to as the general fund budget, including a budget for each utility operated by the town, and a capital budget. (1958, c. 358)

§ 4-13. The general fund and/or utility budget shall contain: (1958, c. 358)

§ 4-131. An itemized statement of the appropriations recommended with comparative statements in parallel columns showing appropriations made for the current and next preceding year. (1958, c. 358)

§ 4-132. An itemized statement of the taxes and/or utility services charges required, and of the estimated revenue of the town and/or utilities from all other sources for the ensuing year, with comparative statements in parallel columns of the taxes and other sources of revenue for the current and next preceding year and of the increases or decreases estimated or proposed. (1958, c. 358)

§ 4-133. A statement of the financial condition of the town and/or utilities. (1958, c. 358)

§ 4-134. A budget message relative to the conditions, reasons, etc., connected with the estimates for the ensuing year together with a work program showing the undertakings to be begun and those to be completed during the next year. (1958, c. 358)

§ 4-135. Such other information as may be requested by the council. (1958, c. 358)

§ 4-14. At the same time that the town manager shall submit a general fund and/or utility budget he shall prepare for introduction appropriation ordinances listing the appropriation for each department, utility, branch, board or commission which ordinance shall also fix the tax rate on real and personal property; on bank stock for the ensuing fiscal year; and service charges on utilities. Said budgets shall act as the supporting schedules for the appropriation ordinances. (1958, c. 358)

§ 4-15. A public hearing on the budget plan as a whole shall be held by the council within thirty days after its submission to the council, but not until a resume of the proposed budgets and notice of such hearing shall have been published at least one time in a newspaper of general circulation within the town at least ten days prior to such hearing. After the conclusion of the public hearing the council may insert new items of expenditure or may increase, decrease, or strike out any item of expenditure in the budgets except that for debt service. (1958, c. 358)

§ 4-16. The council shall approve not later than September 30th, upon the affirmative vote of the majority of the membership of the council, a general fund and/or utility budget and adopt appropriation ordinances. (1958, c. 358)

§ 4-17. The council may, after referring to the town manager for a recommendation, make additional appropriations during the fiscal year upon the affirmative vote of two-thirds of the membership of the council. (1958, c. 358)

§ 4-18. Any portion of an annual appropriation, except for capital expenditures, remaining unexpended and unencumbered at the close of the fiscal year, shall lapse. (1958, c. 358)

§ 4-19. The capital budget shall contain a program previously acted upon by the town planning commission as provided in § 6-135 of this charter, of proposed capital improvement projects, for the ensuing fiscal year and for the four fiscal years thereafter, with his recommendation as to the means of financing the improvements proposed for the ensuing fiscal year. The council shall have power to accept with or without amendments or reject the proposed program and proposed means of financing for the ensuing fiscal year, but, except in the case of emergency as provided in § 3-82 of this charter, the council shall not authorize any capital improvement project or make any appropriation therefor unless the appropriation for such project is included in the capital budget as adopted by it. The council shall take final action on the capital budget not later than the twenty-eighth day after the date prescribed for the adoption of the general fund budget. No appropriation for a capital improvement project contained in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided that any project shall be deemed to have been abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation therefor. Any such lapsed appropriation shall be applied to the payment of any indebtedness incurred in financing the project concerned and the next capital budget. Nothing herein contained shall be construed to limit the power of the town council to originate or initiate capital improvements. (1958, c. 358)

§ 4-2. Bids and Purchases.

The council may fix the requirements under which purchases of equipment, materials and supplies are to be made. (1958, c. 358)

§ 4-3. Independent Audit.

Prior to the end of each fiscal year the council shall designate the Auditor of Public Accounts, or qualified certified public accountants, who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the town government and shall mail a copy of their report to each member of the town council and to the town manager. The auditors shall post-audit the books and documents kept by the treasurer and any separate or subordinated accounts kept by any other office, department or agency of the town government. (1958, c. 358)

§ 4-4. Liens.

A lien shall exist on all real estate within the corporate limits for taxes, levies, and assessments in favor of the town, together with all penalties and interest at the rate of six per centum due thereon from the commencement of the year for which the same were assessed, and the procedure for collecting said taxes, for selling real estate for town taxes and for the redemption of real estate sold for town taxes shall be the same as provided in the general law for the State to the same extent as if the provisions of said general law were herein set out at length. The said town and its treasurer shall have the benefit of all other and additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted under the general law. All goods and chattels wheresoever found may be distrained and sold for taxes and licenses assessed and due thereon; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes and licenses assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession. (1958, c. 358)

ARTICLE V--ADMINISTRATION OF JUSTICE

§ 5-1. Police Justice.

There is hereby created the office of Police Justice for the Town of Tazewell. (1958, c. 358)

§ 5-11. Appointments.

Said police justice shall be appointed by the council at the first meeting or as soon thereafter as practicable and hold office during the pleasure of the council. Before entering upon the discharge of duties as police justice, the person so appointed shall subscribe the oath prescribed for State officers, and shall give such bond as may be required by the council. The mayor, or any citizen residing in the town, may be appointed as police justice. If the mayor is appointed as police justice he shall discharge such duties as the police justice of the town under this charter and not as the mayor of the town, in addition to the duties of mayor imposed upon him by this charter; and his powers, duties, authority and jurisdiction as such police justice shall be as hereinafter provided for the police justice. (1958, c. 358)

§ 5-12. Absence or Vacancy in Office.

During the absence or disability of the police justice, a substitute police justice, appointed by the council, shall carry out and discharge the duties of police justice as herein provided. Before entering upon his duties as substitute police justice, the person so appointed shall subscribe the oath prescribed for State officers and shall give such bond as may be required by the council. In the event the council should fail to appoint a

substitute police justice, the mayor shall serve in the capacity of substitute police justice, or in the event the mayor has been appointed as police justice, then the vice-mayor shall act as substitute police justice if no appointment to that office has been made by the council. The substitute police justice shall receive for his services such per diem compensation as may be prescribed by the council. (1958, c. 358; 1966, c. 123)

§ 5-13. Jurisdiction.

The police justice is hereby vested with original and exclusive jurisdiction of all offenses against any ordinance of the Town of Tazewell, Virginia, which violation occurs within the corporate limits of said town. (1958, c. 358)

§ 5-14. Appeals and Warrants.

Appeals from the decision of the police justice shall be as provided in Title 16.1 of the Code of Virginia, as amended, and all cases appealed from the police justice shall be appealed to the Circuit Court of Tazewell County, Virginia. Should a warrant be issued charging a violation of a town ordinance and it should develop prior to trial, or at any time during trial, prior to the imposition of sentence, that the alleged offense involved a felony, then, in lieu of final disposition by the police justice, the case may be certified by the police justice to the County Court of Tazewell County, Virginia, to be there dealt with as provided by law, and it may be there tried on the original warrant, the same as though said warrant had charged the violation of State law and had been issued by a person authorized to issue State warrants. In the event a warrant should be issued charging a violation of a town ordinance, and it should for any reason appear prior to trial, or at any time during trial, prior to the imposition of sentence, that the police justice is for any reason without jurisdiction to try the same, said warrant may be certified to the proper court for trial where the same may be tried upon the original warrant. The police justice shall also have jurisdiction to issue original warrants charging violation of town ordinances; to issue subpoenas or to issue and/or try any other processes incidental to the jurisdiction herein granted; power to admit to bail prior to trial in cases involving violation of town ordinances, or to admit to bail subsequent to trial, upon an appeal; power to take bond as security for the payment of fines and costs; power to issue search warrants; and shall have the same powers in matters of contempt as are granted or limited by § 16.1-26 of the Code of Virginia, and shall be a conservator of the peace within the corporate limits of the Town of Tazewell and for one mile beyond the corporate limits thereof. (1958, c. 358)

§ 5-15. Compensation and Clerical Assistant.

A salary to compensate the police justice shall be fixed by the town council. The council may also appoint such clerk or clerks as may, in their discretion, be necessary, and require of such clerk or clerks such bond as it may deem proper, provide just compensation therefor and provide necessary records. (1958, c. 358)

§ 5-16. County Court.

Nothing herein contained shall be construed as affecting the provisions of § 16.1-75 of the Code of Virginia. (1958, c. 358)

§ 5-17. Necessity of Warrant.

Nothing contained in this charter relating to the issuance of warrants shall be construed as affecting or altering the provisions of § 16.1-129.1 of the Code of Virginia. (1958, c. 358)

§ 5-2. Issuing Justice.

There is hereby created the office of Issuing Justice for the Town of Tazewell.
(1958, c. 358)

§ 5-21. Appointment.

The council may appoint at its first meeting or as soon thereafter as is practicable, to serve during the pleasure of the council, one or more issuing justices who are qualified voters within the town and who already may be employees of any department of the town, provided holding the two offices is not contrary to the laws of the State. (1958, c. 358)

§ 5-22. Jurisdiction.

The issuing justices so appointed shall have power to issue warrants for violation of town ordinances; the power to issue subpoenas or other processes the same as could be issued by the police justice and the power to admit to bail in any case where the police justice could admit to bail, but any warrant, summons or process issued by such issuing justices shall be returnable before the police justice for action thereon. (1958, c. 358)

§ 5-23. Compensation.

Compensation shall be paid to any such issuing justices by the town as provided by council. All costs collected shall be paid into the town treasury . (1958, c. 358)

§ 5-3. Fines and Costs. (1958, c. 358)

§ 5-31. Amounts Assessable. The police justice shall assess such fines and impose such punishment for violation of any ordinance as may be prescribed by the council, not to exceed the fines or punishment provided by general law for similar offenses, and shall assess as cost against the violator of any ordinance such fees and costs as may be prescribed by the council, provided such fees and costs shall not exceed the amount assessable under the general laws of the State for similar service incident to the trial of criminal cases. (1958, c. 358)

§ 5-32. How Fines and Costs Paid.

All costs collected by the police justice and all fines for violations of all laws and ordinances of the town shall be paid into the town treasury for the use and benefit of the town. (1958, c. 358)

ARTICLE VI--PLANNING, ZONING, AND SUBDIVISION CONTROL

§ 6-1. Power to Adopt a Master Plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a master plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The master plan may include but shall not be limited to the following: (1958, c. 358)

§ 6-101. The general location, character and extent of all streets, highways, avenues, boulevards, roads, lanes, alleys, walks, parks, squares, playfields, playgrounds, recreational facilities, stadia, swimming pools, airports and other public places or ways, change of use or extension thereof. (1958, c. 358)

§ 6-102. The general location, character and extent of all public buildings, schools and other public property and of utilities whether publicly or privately owned, off-street parking facilities, and the removal, relocation, vacating, abandonment, change of use, alteration or extension thereof. (1958, c. 358)

§ 6-103. A comprehensive zoning plan for the control of the height, area, bulk, location and use of buildings and premises. (1958, c. 358)

§ 6-11. Town Planning Commission.

There shall be a town planning commission consisting of seven members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with his term in the council. One member shall be the town manager appointed for a term concurrent with his term in such capacity. There shall be five citizen members, who shall be qualified voters of the town appointed for a term of four years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation. (1958, c. 358)

§ 6-12. Organization and Expenditures of Planning Commission.

The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for re-election, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Four members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor. (1958, c. 358)

§ 6-13. Powers and Duties of the Planning Commission.

The Town Planning Commission shall have the following powers and duties: (1958, c. 358)

§ 6-131. To make and adopt a master plan which with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of the territory covered by the plan. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of existing conditions and future growth. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with existing and future needs, best promote health, safety, morals, comfort, prosperity and general welfare, as well as efficiency and economy in the process of development. (1958, c. 358)

§ 6-132. To act as a zoning commission as provided in § 6-221. (1958, c. 358)

§ 6-133. To promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. (1958, c. 358)

§ 6-134. To authorize members of the commission to attend planning conferences or meetings of planning institutes or to attend hearings upon pending planning legislation or to visit other communities and the commission may by resolution pay the reasonable traveling expenses incident to such attendance or visit from funds appropriated for the use of the commission. (1958, c. 358)

§ 6-135. To prepare and revise annually a program of capital improvement projects for the ensuing five years and submit the same annually to the town manager, at such time as he shall direct, together with its recommendation, and estimates of cost of such projects and the means of financing them, to be undertaken in the ensuing fiscal year

and in the next four years, as the basis of the capital budget to be submitted to the council by the town manager. (1958, c. 358)

§ 6-136. To make an annual report to council concerning its activities. (1958, c. 358)

§ 6-137. To preserve historical landmarks and to control the design and location of statuary and other works of art which are or may become the property of the town, and the removal, relocation and alteration of any such work; and to consider and suggest the design of bridges, viaducts, airports, stadia, arenas, swimming pools, street fixtures and other public structures and appurtenances. (1958, c. 358)

§ 6-14. Adoption of Master Plan by the Commission.

The Commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to mayor geographical or topographical divisions of the town, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, at least fifteen days' notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the town. The adoption of the plan or of any such part, amendment, extension or addition shall be by resolution of the commission carried by the affirmative vote of not less than a majority of the entire membership of the commission. The resolution shall refer expressly to the maps and descriptive matter and other matter intended by the commission to form the whole or part of the plan adopted, which resolution shall be signed by the chairman of the commission and attested by its secretary. An attested copy of the resolution, accompanied by a copy of so much of the plan in whole or in part as was adopted thereby, and each amendment, alteration, extension or addition thereto adopted thereby, shall be certified to the council, and to the Clerk of the Circuit Court of Tazewell County who shall file the same in his office. (1958, c. 358)

§ 6-15. Legal Status of Master Plan.

Whenever the commission shall have adopted a master plan for the town or one or more parts thereof, geographical, topographical or functional, and the master plan or such part or parts thereof shall have been approved by the council and it has been certified and filed as provided in the preceding section, then and thereafter no street, square, park or other public way, ground, open space, public building or structure shall be constructed or authorized in the town or in the planned section or division thereof until and unless the general location, character and extent thereof has been submitted to and approved by the commission; and no public utility, whether publicly or privately owned, shall be constructed or authorized in the town or in the planned section or division thereof until and unless its general location, but not its character and extent, has been submitted to and approved by the commission, but such submission and approval shall not be necessary in the case of pipes or conduits in any existing street or proposed street, square, park or other public way, ground or open space, the location of which has been approved by the commission; and no ordinance giving effect to or amending the comprehensive zoning plan as provided in § 6-2 shall be adopted until it has been submitted to and approved by the commission. In case of disapproval in any of the instances enumerated above, the commission shall communicate its reason to the council, which shall have the power to

overrule such action by a recorded vote of not less than two-thirds of its entire membership. The failure of the commission to act within sixty days from the date of the official submission to it shall be deemed approval. The widening, extension, narrowing, enlargement, vacation or change in the use of streets and other public ways, grounds and places within the town as well as the acquisition by the town of any land within or without the town for public purposes, or the sale of any land then held by the town shall be subject to similar approval and in case the same is disapproved such disapproval may be similarly overruled. The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction, improvement, drainage or other work in or upon any existing street or other existing public way. (1958, c. 358)

§ 6-2. Zoning Powers.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, and facilitate provision for schools, parks, playgrounds, and other public improvements and requirements. The comprehensive zoning plan shall include the division of the town into districts with such boundaries as the council deems necessary to carry out the purposes of this charter and shall provide for the regulation and restriction of the use of land, buildings and structures in the respective districts and may include but shall not be limited to the following: (1958, c. 358)

§ 6-201. It may permit specified uses of land, buildings and structures in the districts and prohibit all other uses. (1958, c. 358)

§ 6-202. It may restrict the height, area and bulk of buildings and structures in the districts. (1958, c. 358)

§ 6-203. It may establish setback building lines and prescribe the area of land that may be used as front, rear and side yards and courts and open spaces. (1958, c. 358)

§ 6-204. It may restrict the portion of the area of lots that may be occupied by buildings and structures. (1958, c. 358)

§ 6-205. It may prescribe the area of lots and the space in buildings that may be occupied by families. (1958, c. 358)

§ 6-206. It may require that spaces and facilities deemed adequate by the council shall be provided on lots for parking of vehicles in conjunction with permitted uses of land and that spaces and facilities deemed adequate by the council shall be provided on lots for off-street loading or unloading of vehicles. (1958, c. 358)

§ 6-207. It may provide that land, buildings and structures and the uses thereof which do not conform to the regulations and restrictions prescribed for the district in which they are situated may be continued so long as the then existing or more restricted use continues and so long as the buildings or structures are maintained in their then structural condition; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in which they are situated whenever they are enlarged, extended, reconstructed or structurally altered; and may require that such buildings or structures and the use thereof shall conform to the regulations and restrictions prescribed for the district or districts in

which they are situated, in any event within a reasonable period of time to be specified in the ordinance. (1958, c. 358)

§ 6-21. Conformity of Regulations.

The regulations and restrictions shall be uniform and shall apply equally to all land, buildings and structures and to the use and to each class or kind thereof throughout such district but the regulations and restrictions applicable in one district may differ from those provided for other districts. (1958, c. 358)

§ 6-22. Effecting and Changing of Regulations.

The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of time and place of such hearing shall be published once in a paper of general circulation in said town; provided, however, that where each proposed change in, or amendment or supplement to, any such regulation, restriction, or boundary, if initiated within the council, shall be first referred by the council to the planning commission for report and recommendation, and where said commission makes such report and recommendation to the council after a public hearing in relation thereto held by said commission pursuant to one notice published at least five days prior to such hearing in a paper of general circulation in the town, the public hearing by the council in relation to such change, amendment or supplement may be held after at least ten days' notice of time and place of hearing published once in a paper of general circulation in the town. In case, however, of a protest against any change in such regulations signed by the owners of twenty per centum or more, either of the lots included in each proposed change, or of those adjacent in the rear thereof, or of those directly opposite thereto, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the council. The provisions of this section relative to public hearings and official notice shall apply equally to all changes and amendments. (1958, c. 358)

§ 6-221. The town planning commission acting as the zoning commission shall recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report or reports and hold public hearings thereon before submitting its final report, and the council of the Town of Tazewell shall take such action on said preliminary report or reports, and also on the final report of the commission, as it shall deem necessary. (1958, c. 358)

§ 6-23. Board of Zoning Appeals.

The council may appoint a Board of Zoning Appeals, and in the regulations and restrictions adopted pursuant to the authority of this act, may provide that the board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. (1958, c. 358)

§ 6-231. The board of zoning appeals shall consist of five members, each to be appointed for a term of two years and removal for cause by the council, upon written charges and after public hearing. Vacancies shall be filled by the council for the unexpired term of any member. (1958, c. 358)

§ 6-232. The board shall select a chairman, a vice-chairman, and a secretary, and shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board, and shall be a public record. (1958, c. 358)

§ 6-233. Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application, and notice to the officer from whom the appeal is taken and on due cause shown. (1958, c. 358)

§ 6-234. The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney. (1958, c. 358)

§ 6-24. Power of Board of Zoning Appeals.

The board shall have the following powers: (1958, c. 358)

§ 6-241. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or any ordinance adopted pursuant thereto. (1958, c. 358)

§ 6-242. To hear and decide uses permissible on appeals and other special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance. (1958, c. 358)

§ 6-243. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in exceptional and peculiar hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. (1958, c. 358)

§ 6-25. Decisions by the Board of Zoning Appeals.

In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and to that end shall have all the powers of the administrative officer

charged by the ordinance with enforcement. The concurring affirmative vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant in any matter of which it has jurisdiction. The board shall act by formal resolution which shall set forth the reason for its decision and the vote of each member participating therein which shall be spread upon its records and shall be open to public inspection. The board may, upon the affirmative vote of three members, reconsider any decision made and, upon such reconsideration, render a decision by formal resolution. Every decision of the board shall be based upon a finding of fact which may be abased on sworn testimony which finding of fact shall be reduced in writing and preserved among its records. (1958, c. 358)

§ 6-26. Appeals from Decisions of Board of Zoning Appeals.

Any person or persons, jointly or severally, aggrieved by any decision of the board of zoning appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. (1958, c. 358)

§ 6-261. Upon filing of the petition the court may cause a writ of certiorari to issue directed to the board, ordering it to produce within the time prescribed by the court, not less than ten days, the record of its action and documents considered by it in making the decision appealed from, which writ shall be served upon any member of the board. The issuance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application, give notice to the board and, upon due cause shown, issue a restraining order. The board shall not be required to produce the original record and documents but it shall be sufficient to produce certified or sworn copies thereof or of such portions thereof as may be required by the writ. With the record and documents the board may concisely set forth in writing such other facts as may be pertinent and material to show the grounds of the decision appealed from, verified by affidavit. (1958, c. 358)

§ 6-262. The court shall review the record, documents and other matters produced by the board pursuant to the issuance of the writ and may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. Unless it is made to appear that the decision is contrary to law or is arbitrary and constitutes an abuse of discretion the court shall affirm the decision. If the court finds that the testimony of witnesses is necessary for a proper disposition of the matter it may hear evidence. (1958, c. 358)

§ 6-27. Proceedings Against Violator of Zoning Ordinance.

Whenever any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or whenever any land, building or structure is used in violation of any ordinance adopted in accordance with § 6-22 the town may institute and prosecute appropriate action or proceedings to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property. (1958, c. 358)

§ 6-28. Penalties for Violations.

Said regulations shall be enforced by a building and zoning inspector who shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist in violation of any provision of the regulations made under authority of this or the preceding section. Any person convicted of violating any rule or regulation enacted by ordinance under the zoning powers granted the council by this charter and general law shall be guilty of a misdemeanor and upon conviction shall be subject to such penalties as may be prescribed by the council. (1958, c. 358)

§ 6-3. Subdivision Control.

In order to provide for the orderly subdivision of land within the town and within two miles of the corporate limits thereof there is hereby conferred upon the town and the county in which the area outside the town but within two miles thereof is included, the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: the location, size and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the master plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks and playgrounds, planting of shade trees and shrubs; naming and designation of streets and other public places; laying out and constructing sidewalks; procedure for making variations in such regulations and restrictions; requirements for plats and subdivisions and their size, scale, contents and other matters; the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines; the extent to which and the manner in which new streets shall be graded, graveled or otherwise improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents, may accept a bond, in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council, the actual construction and installation of such improvements and utilities within a period specified by the council or designated agents. (1958, c. 358)

§ 6-31. Hearing on Subdivision Ordinance.

The council shall not adopt or amend any ordinance establishing such regulations and restrictions until notice of intention so to do has been published once a week for two successive weeks in a newspaper of general circulation in the town. The notice shall specify the time, not less than ten days after final publication, and the place at which persons affected may appear before the council and present their views. (1958, c. 358)

§ 6-32. Adoption of Subdivision Regulations.

After hearing as above provided the council may adopt by ordinance any such regulations and restrictions applicable within the limits of the town and may adopt such regulations and restrictions applicable in an area outside such limits, provided that such regulations and restrictions applicable in any area outside such town limits shall not be

adopted or become effective or applicable except in the manner and to the extent provided by the general laws of the Commonwealth. (1958, c. 358)

§ 6-33. Filing of Regulations.

When such regulations have been adopted, a certified copy thereof and all amendments thereto shall be filed in the office of the building and zoning inspector and in the office of the Clerk of the Circuit Court of Tazewell County. (1958, c. 358)

§ 6-34. Making and Approval of Plats.

Any owner or any proprietor of any tract of land situated within the corporate limits of the Town of Tazewell, who subdivides the same shall cause a plat of such subdivision with reference to known or permanent monuments to be made and recorded in the office of the Clerk of the Circuit Court of Tazewell County. No such plat of subdivision shall be recorded unless and until it shall have been submitted and approved by the town council or its designated agent in accordance with regulations adopted under this act and so certified by the person authorized to make such certificate. (1958, c. 358)

§ 6-35. Recording of Plats of Subdivision.

From and after the date on which such regulations and restrictions became effective in the town or in any area outside the town but within two miles thereof, no plat of any subdivision to which such regulations and restrictions are applicable shall be received or recorded by the clerk of any court unless the plat has been approved as provided in the preceding section. No owner of land in the town or outside area in which such regulations and restrictions are applicable, who has subdivided the same into two or more lots, shall sell or offer for sale any such lot by reference to or exhibition of or by the use of a plat of such subdivision or otherwise before the plat of such subdivision has been approved as provided and admitted to record in the office of the Clerk of the Circuit Court of Tazewell County. (1958, c. 358)

§ 6-36. Transfer of Portion for Public Use.

The recordation of the plat shall operate to transfer in fee simple to the town or the county in which the land lies such portion thereof as is on the plat set apart for streets, alleys, easements or other public use or purpose, and to create a public right of passage over or use of the same. The owner or owners of the land subdivided may construct, reconstruct, operate and maintain with the consent of the town or the county where the land lies, sewers, gas and water pipes or electric lines along or under the streets, alleys, easements or other land devoted to public use, provided that it shall not obstruct or hinder the passage over the streets, alleys, easements or other property devoted to public use further than is reasonably necessary to construct, reconstruct, repair, operate and maintain such works. (1958, c. 358)

§ 6-37. Vacation of Recorded Plats.

Any plat or part thereof recorded may be vacated, with the consent of the council or of the governing body of the county wherein the land lies, or both where the plat has been approved by both, by the owners thereof at any time before the sale of any lot therein, by a written instrument declaring the plat to be vacated which shall be duly executed, acknowledged and recorded in the clerk's office wherein the plat to be vacated is recorded. The execution and recordation of the instrument shall operate to destroy the force and effect of the recording of the plat and to divest all public rights in and to reinvest the owners with the title to the streets, alleys, easements and other land devoted to public use laid out or described in the plat. In cases where lots have been sold, the plat

or part thereof may be vacated upon the application of the owners of the lots in the plat and with the approval of the council or governing body of the county, or both where the plat has been approved by both, and shall not be vacated otherwise. The clerk in whose office any plat so vacated has been recorded shall write in plain, legible letters across the plat or part thereof vacated the word "vacated" and also make a reference on the plat to the volume and page thereof in which the instrument of vacation is recorded. (1958, c. 358)

§ 6-38. Violation of Subdivision Regulations.

In case of any violation or attempted violation of the provisions of this act, or of any of the provisions of the regulations adopted as authorized in this act, the council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation or attempted violation, to restrain, correct, or abate such violation or attempted violation, or to prevent any act which would constitute such a violation. Any owner or proprietor of any tract of land who subdivides such tract of land and who violates any of the provisions of the regulations adopted under the authority of this act shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars and not more than two hundred and fifty dollars, and each day after the first, during which violation shall continue, shall constitute a separate violation. (1958, c. 358)

ARTICLE VII--GENERAL PROVISIONS

§ 7-1. Officers to Hold Over Until Their Successors are Appointed and Qualified.

Whenever under the provisions of this charter any officer of the town or member of any board or commission is elected or appointed for a fixed term except the mayor and vice-mayor, such officer or member shall continue to hold office until his successor is appointed and qualified. (1958, c. 358)

§ 7-2. Present Ordinances and Rules and Regulations Continued in Effect.

All ordinances of the town and all rules, regulations and orders legally made by any department, board, commission or officer of the town, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter. (1958, c. 358)

§ 7-3. General Powers.

The Town of Tazewell and all the officers thereof elected or appointed in accordance with the provisions of this act shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this act. (1958, c. 358)

§ 7-4. Constitutionality.

If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operations to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered. (1958, c. 358)

§ 7-5. All contracts and obligations heretofore or hereafter made by the Council of the Town of Tazewell, while in office, not inconsistent with this charter, or the Constitution or the general laws of this State shall be, and are hereby, declared to be valid and legal. (1958, c. 358)

§ 7-6. Citation of Act.

This act may for all purposes be referred to or cited as the Town of Tazewell Charter of 1958. (1958, c. 358)