

WAKEFIELD, TOWN OF
County of Sussex.

Incorporation and charter, 1902, c. 465.

Amended 1920, c. 38 (§ 12)
 1922, c. 292 (§ 12)
 1930, c. 100 (§ 14)
 1932, c. 62 (§ 18-a [added])
 1954, c. 358 (§ 14)
 1964, c. 300 (§ 3)
 1972, c. 253 (§§ 5, 9, 10, 11, 13)
 1973, c. 49 (§ 5).

§ 1. Be it enacted by the general assembly of Virginia, That so much land, together with the improvements thereon, as is included in the following described boundary lines--to-wit: Beginning at the southeast corner of fence of H. B. Hart's estate, on the Norfolk and Western railway, running thence by air line to northwest corner of T. F. Nicholson's fence, near white public school-house; thence by air line to northeast corner of T. F. Nicholson's fence north of mile post fifty-one, on the Norfolk and Western railway; thence by air line to a point fifty yards east of Alexandria Hardy's residence; thence by air line to the forks of county road at Palmyra; thence by air line to south corner of Tabernacle property; thence by air line to starting point, shall constitute the town of Wakefield, in the county of Sussex, and it may sue and be sued by and in that name; and the inhabitants thereof shall have and exercise the powers and privileges herein contained, and such others as may be given them under the general law. (1902, c. 465)

§ 2. The administration and government of the said town shall be vested in one principal officer, to be styled the mayor; one board, to be styled the council of the town of Wakefield, and in such other boards and officers as are hereinafter mentioned, or may be provided by the council. (1902, c. 465)

§ 3. The municipal officers of said town shall consist of one mayor, six councilmen, a treasurer, and a sergeant. The six councilmen in office on the effective date hereof are hereby declared to be duly elected. At the first election for municipal officers and thereafter six councilmen shall be elected in addition to the other officers of the town. The election heretofore of six councilmen, their actions, and all actions of the council are ratified, validated and confirmed as fully as if this act had heretofore provided for the election of six councilmen. (1902, c. 465; 1964, c. 300)

§ 4. P. D. Bain, W. A. Stephenson, F. W. Gay, T. T. Allen, and J. E. Richardson are hereby appointed councilmen of said town, and John L. White mayor, and they shall have and exercise all the powers herein granted to said officers, and shall remain in office until their successors are elected and qualified according to law. (1902, c. 465)

§ 5. The elections for mayor and councilmen shall be held on the first Tuesday in May, 1974, and every second year thereafter. In such elections only those qualified to vote for members of the General Assembly, and who have been residents of said town for three months prior to such election, shall have the right to vote. The mayor and councilmen elected under this act shall enter upon the discharge of their respective duties

the first day of July succeeding their election, and hold office for two years, and until their successors are elected and qualified. (1902, c. 465; 1972, c. 253; 1973, c. 49)

§ 6. The mayor and other municipal officers of said town, before entering upon the duties of their respective offices, shall be sworn according to the laws of the State by anyone authorized to administer oaths. If any person elected or appointed to any office in said town shall neglect to take such oath in thirty days after receiving notice of his election or appointment, or shall for the like space of time neglect to give such security as may be required, he shall be considered as having declined said office, and the same shall be declared vacant, and such vacancy shall be filled by the council by election or appointment, as the case may be. (1902, c. 465)

§ 7. The council, shall fix the salary and fees of the mayor, treasurer, sergeant, and such other officers appointed or elected under this act, which shall not be diminished during their term of office. (1902, c. 465)

§ 8. The council shall, at its first meeting after election, or as soon thereafter as practicable, elect one of its members as president of the council who shall preside at all meetings of the council. It shall appoint a treasurer, sergeant, and such other officers and boards as it may deem proper and necessary, define their powers, prescribe their duties, and fix their compensation, and take from any officer so appointed a bond, with security, to be approved by it, in such penalty as it may deem proper, payable to the said town in its corporate name, conditioned for the faithful performance and discharge of such duties. It may suspend or remove all officers so appointed for good cause at its pleasure. In case of a vacancy occurring in municipal offices where it is not herein provided for, the council shall elect a qualified person to fill such vacancy during the unexpired term. A member of the council may hold the office of treasurer of said town. (1902, c. 465)

§ 9. The council may appoint a board of health for the town, and invest it with authority for the prompt and efficient performance of its duties. (1902, c. 465; 1972, c. 253)

§ 10. The council shall, by ordinance, fix the time of its meeting. It shall have authority to adopt such rules as it may deem proper for the regulation of its proceedings and convenient transaction of its business; to compel the attendance of its members; to punish its members for disorderly behavior, and by a vote of two-thirds of the whole council expel a member. The meetings of the council shall be open to the public, except when public welfare, in its opinion, requires secrecy. (1902, c. 465; 1972, c. 253)

§ 11. A majority of the council shall constitute a quorum for the transaction of the business, but no ordinance or resolution shall be adopted having for its object the levying of taxes or appropriation of moneys except by a two-thirds vote of the council. (1902, c. 465; 1972, c. 253)

§ 12. The council shall have power to levy a specific tax not exceeding one dollar upon all citizens, both male and female, who are over the age of twenty-one years, and to levy a tax not exceeding eighty cents on the hundred dollars worth of property for all purposes; provided, however, that said council may impose a further tax not exceeding one dollar on the hundred dollars when authorized by a two-thirds vote of all the legally qualified voters of said town, provided, however, that such tax shall be subject to the limitations prescribed by the general law on intangibles. (1902, c. 465; 1920, c. 38; 1922, c. 292)

§ 13. The council may appoint a board, consisting of one or three citizens of the town, to be known as assessors, whose duty it shall be to assess the value of the lots and lands and improvements thereon in the town for the purpose of taxation, but the assessment for State taxation may be the basis of said assessment for said town, except farm and wood lands. (1902, c. 465; 1972, c. 253)

§ 14. The mayor, trial justice and substitute trial justice shall have all the powers, duties and jurisdiction conferred upon the mayors of towns and trial justices and substitute trial justices by Chapter 6 of Title 16 of the Code of Virginia, when conferred and imposed upon them in the manner provided by said chapter, subject to such limitations as are imposed upon the exercise of such powers and jurisdiction. He shall appoint assistant sergeants whenever the peace and good order of the town, in his opinion, may require it, and see that all ordinances of the town are fully enforced. In case a vacancy shall occur in the office of mayor, from any cause, the president of the council shall perform all the duties of the office until such vacancy is filled by an election of the council for the unexpired term

The mayor with approval of the council, entered of record on the book containing the minutes of the council meetings may appoint a trial justice and a substitute trial justice provided for in Article 2 of Chapter 2 of Title 16 of the Code of Virginia, and when so appointed the trial justice and substitute trial justice shall have all the powers and jurisdiction and shall perform all the duties conferred and imposed upon trial justices and substitute trial justices by said chapter and the provisions of said chapter shall in all respects apply to such officers and the exercise of their powers, duties and jurisdiction.

The mayor may with the approval of the council entered of record on the book containing the minutes of the council meetings appoint a substitute trial justice for said town. In the event of the inability of the trial justice to perform the duties of his office by reason of sickness, absence, vacation, interest, proceedings, or parties before his court or otherwise, such substitute trial justice shall perform the duties of the office during such inability.

Before entering upon the discharge of any duty, the persons so appointed trial justice and substitute trial justice of said town respectively shall qualify by taking and subscribing the oaths prescribed by law for a justice of the peace or trial justice, before some officer authorized and empowered to administer oaths, and a record thereof shall be entered upon the minute book of said council.

The compensation of such trial justice shall be determined by the council.

The fees in connection with any case tried by the mayor, trial justice or substitute trial justice of said town shall be the same as the fees provided by law for justices of the peace and trial justices and such fees and all fines imposed by the mayor, trial justice, or substitute trial justice of said town shall be collected by him and paid into the treasury of the town unless the council thereof directs by proper ordinance some other disposition thereof or unless otherwise required by the Constitution or general law. (1902, c. 465; 1930, c. 100; 1954, c. 358)

§ 15. The sergeant of the said town shall have the power to collect the fines imposed for violation of any of the ordinances of the said town, and the said sergeant shall have the power to exercise within the corporate limits of said town and within one mile thereof all the duties that a constable can legally exercise in regard to the collection of claims and executions and levying processes he and his sureties shall be liable as

constables are liable for any failure in the performance of the duties of or dereliction in his said office. (1902, c. 465)

§ 16. The mayor or president of the council shall not be required to issue warrants for the arrest of persons charged with the violation of any town ordinance. He may admit anyone charged with the violation of an ordinance to bail before trial. (1902, c. 465)

§ 17. When an officer to whom an execution for a fine and costs shall be directed cannot find goods and chattels belonging to the defendant sufficient to satisfy such execution, he shall make return thereof at once to the mayor, who shall thereupon issue a *capias pro fine* against the said defendant for the amount of such fine and costs, and deliver it to such officer for execution. The mayor shall have the same fee allowed clerks of courts of record for similar service. (1902, c. 465)

§ 18. The council shall have, subject to the provisions of this act, the control and management of the fiscal and municipal affairs of the town, of all the property--real and personal--belonging to the said town, and make such ordinances and by-laws relative to the same as it may deem proper; and it shall likewise have power to make such ordinances, orders, by-laws, and regulations as it may deem necessary to carry out the following powers (and any other power that may be granted it by the general laws of this State), which are hereby conferred upon it:

First. To establish a market in and for said town, and appoint proper officers therefor.

Second. To erect and provide in or near said town suitable buildings for work houses, houses for correction and reformation, and houses for the reception and maintenance of the poor and destitute, for the officers of the town, and for the confinement of the prisoners, and to purchase and to hold lands necessary upon which to erect such buildings.

Third. To close or extend, widen or narrow, lay out, graduate, curb, and pave, and otherwise improve the streets, alleys, and sidewalks in said town and have them kept in good order and properly lightened; and over any street or alley in said town which may be conveyed to said town, it shall have the like power and authority as over other streets and alleys; it may prevent or remove any structures, encroachment, or obstruction under or in any sidewalk, street, or alley, and may permit shade trees to be planted along such streets and alleys in said town.

Fourth. To regulate and prescribe the location and building of all houses and sheds, and order the removal of any building condemned as dangerous in any way by the committee on public property, saving to any person aggrieved the right of appeal to the council: provided, such appeal be taken within fifteen days from the report of said committee.

Fifth. To determine and designate the route and grade of any railroad or railway to be laid in said town, and to restrain and regulate the rate of speed of locomotive engines and cars upon the railroads or railways within said town.

Sixth. To require and compel the abatement of all nuisances within said town, at the expense of persons causing same, or owners of ground whereon the same shall be; to prevent and regulate slaughter houses, soap and candle factories, hog pens, privies, stables, or the exercise of any dangerous, offensive, or unhealthy business, trade, or employment; to regulate or prevent the storing of gunpowder, kerosene oil, and other combustibles, and to prohibit the sale and use of fireworks in said town.

Seventh. To prevent hogs, dogs, and other animals running at large in said town, and to subject the same to such regulations and taxation as it may deem proper.

Eighth. To prevent the riding and driving of horses or other animals at an improper or dangerous speed, throwing stones, or engaging in any employment or sport in the streets and alleys dangerous or annoying to the citizens, and to prohibit and punish the abuse and cruel treatment of horses and other animals in said town.

Ninth. To restrain and punish drunkards, vagrants, and street-beggars; to prevent vice and immorality; to preserve the peace and good order of the town, prevent and quell riots, disturbances, and disorderly conduct in assemblages; to suppress houses of ill-fame and gambling houses; prevent indecent and lewd conduct on the streets, and to expel from the town persons guilty of any offense above mentioned, when, in its judgment, the good order and peace of the town require it, or may require such persons to give bond, with approved security, in a penalty not exceeding the sum of one thousand dollars, for their good behavior during the term of twelve months, and upon failure to give such bond may be committed to prison for a term not exceeding twelve months.

Tenth. To prevent, forbid, and punish illegal selling of spirituous or malt liquors, wines, or any mixture thereof, by a fine not exceeding one hundred dollars and imprisonment not exceeding ninety days for each offense, reserving the right to the party convicted of appeal to the county court of Sussex county in all cases wherein the fine exceeds the sum of fifty dollars and imprisonment exceeds thirty days. In the enforcement of any ordinance of the town, the jurisdiction of the mayor shall extend one mile beyond the limits of the town. No spirituous or malt liquors shall be sold in said town except by a three-fourths vote of the property holders.

Eleventh. To punish for contempt of court, releasing or attempting to release a prisoner, or interfering in any manner with an officer in the exercise of his official duty.

Twelfth. To prevent the coming into town of persons having no visible means of support, and of persons dangerous to the peace and good order of the town.

Thirteenth. There shall be a lien on all goods and chattels and real estate for taxes assessed thereon from the beginning of the year for which they were assessed, and for any assessment for curbing and paving sidewalks and bridging gutters, and a like lien on all property, both real and personal, of each male citizen over the age of twenty-one years for his street tax, from the beginning of each year for which it is levied. The council may require real estate returned delinquent for the nonpayment of taxes, street tax, and assessment for curbing and paving sidewalks and bridging gutters to lie sold for such taxes and assessment, with interest at the rate of ten per centum per annum from the time when such taxes or assessments become due and payable, and such per centum for charges as it may prescribe, such sale to be made in accordance with the State law. (1902, c. 465)

§ 18-a. The council of the town is hereby authorized and empowered to provide places for the interment of the dead in or near the said town, and to acquire, for that purpose, any existing cemetery in or near the said town, and thereafter to regulate, manage and control the same and the interment of the dead therein. (1932, c. 62)

§ 19. For the execution of its powers and duties the council of said town is empowered, and may raise by taxes annually, as provided in § 11, and by imposing annually a license tax upon any or all business on which the State imposes a license tax, or which is provided by law, and by imposing a tax on dogs, drays, wagons, carts, snack

vendors, hacks, and other wheel vehicles, and shooting galleries such sums of money as it may deem necessary to defray the expenses of the town, and in such manner as it may deem expedient. (1902, c. 465)

§ 20. Where, by the provisions of this act, the council has authority to pass ordinances upon any subjects, it may prescribe any penalty not exceeding one hundred dollars fine or imprisonment not exceeding ninety days, or both, and may provide that upon failure to pay fine and costs, or either, the offender may be imprisoned in jail of said town or in jail of Sussex county, in the discretion of the mayor of said town, and the offender may be worked upon the streets and alleys of said town until such fine and costs are paid, reserving to the persons convicted the right to appeal to the county court of Sussex county in every case where the fine exceeds the sum of ten dollars or the imprisonment exceeds thirty days. But the mayor of said town shall not adopt the jail of said town, under the provisions of this act, until the same shall have been inspected and approved by the board of health of said town. (1902, c. 465)

§ 21. From and after the passage of this act the mayor and council of said town hereinbefore named shall have all the powers and authority herein granted to the officers hereinafter to be elected in pursuance of this charter. (1902, c. 465)

§ 22. This act shall be in full force and effect from and after its passage. (1902, c. 465)