

DILLWYN, TOWN OF
County of Buckingham.
Incorporated by a 1912 Act of Assembly.

Charter, 1912, c. 155.

Amended 1920, c. 108 (§ 2)
 1952, c. 292 (§ 8-a [added]).

§ 1. Be it enacted by the general assembly of Virginia, That the town of Dillwyn, in Buckingham county, shall be, and the same is hereby, made a town corporate by the name of Dillwyn, and that the same shall have and exercise the powers conferred on towns of less than five thousand inhabitants, by law, and be subjected to all the provisions of all laws now in force, or which may hereafter be enacted in reference to the government of towns of less than five thousand inhabitants, so far as the same are not inconsistent with the provisions of this act. (1912, c. 155)

§ 2. The limits of the town shall be as follows: Beginning at a point at the eastern corner of said town at the intersection of the Old Bell road with the Sand Clay road, and running thence along the course of said Sand Clay road in a southwesterly direction one thousand seven hundred and sixty-one feet; thence running from said Sand Clay road north thirty-one degrees west two hundred and fifty feet to an oak; thence north twenty-five degrees, east one thousand one hundred and seventy-six feet; thence north eighty-six degrees east eight hundred and seventy-six feet; thence north thirty-one degrees east one thousand six hundred and sixty-four feet; thence south seventy-seven degrees east five hundred and eighty-five feet to an old road; thence along said old road in a westerly direction one hundred and fifty-seven feet; thence south seventy-eight and one-half degrees west three hundred and eight feet to an oak; thence crossing the Chesapeake and Ohio railway south eighty-eight degrees east six hundred and forty feet; thence south fifty-four degrees east five hundred and sixty-two feet; thence north eighty-one and one-half degrees east nine hundred and thirty feet to a rock; thence south one and one-half degrees west eight hundred and eighteen feet to an oak; thence south eleven and one-half degrees east one thousand five hundred and twenty feet to a large oak; thence south three degrees east one thousand two hundred and fifty-five feet to the Sand Clay road leading from Dillwyn to Buckingham court house; thence along said Sand Clay road in an easterly direction one thousand three hundred and forty-nine feet to the intersection of the last mentioned Sand Clay road with the Old Bell road; thence along said Old Bell road in an easterly direction six thousand nine hundred and fifty-five feet to the place of beginning; and crossing the Chesapeake and Ohio railway near the said place of beginning; according to a map of said town made by R. N. Clark, county surveyor of Buckingham county, on January 16, 1918, which map the town council of said town is hereby authorized to have recorded in the clerk's office of the circuit court of Buckingham county, and the clerk of said court upon request of said town council shall record said map on the current deed book in said clerk's office and properly index the same. (1912, c. 155; 1920, c. 108)

§ 3. The officers of the said town shall consist of a mayor, six councilmen, a town clerk, a sergeant and a treasurer; all of whose compensation shall be fixed by the council;

the mayor shall by virtue of his office possess all the powers and authority and jurisdiction of a justice of the peace of Buckingham county, Virginia. (1912, c. 155)

§ 4. Until an election is held, as hereinafter provided for, J. Walter Kenney shall be mayor; J. H. Mitchell, W. W. Moore, S. B. Pearson, A. W. Carter, R. B. Ranson and E. D. Gregory shall be councilmen. The said councilmen shall have power to appoint annually a sergeant, a clerk, a treasurer, and such other officers as may be necessary to conduct the business of the town, and fix their compensation and prescribe their duties, and require such bond as may be deemed proper and sufficient; all of whom shall hold office until a successor is appointed or elected and qualified as such. (1912, c. 155)

§ 5. Should any of the officers hereby appointed fail or refuse to accept or refuse to qualify in thirty days after their term of office under this act shall begin, then it shall be the duty of the mayor, or in his absence, the majority of the councilmen shall fill all vacancies by appointment. (1912, c. 155)

§ 6. The said council shall have the power to pass all by-laws and ordinances for the proper government of the said town, and not in conflict with the constitution and laws of the State of Virginia or the constitution and laws of the United States. (1912, c. 155)

§ 7. The first election under the charter for election of mayor and councilmen of the said town shall be held on the second Tuesday in June, 1912, and every two years thereafter, and their term of office shall commence on the first day of September after their election, and the said election to be held in accordance with the general election laws of the State of Virginia, and vacancies occurring in said offices shall be filled by the mayor or council in the absence of the mayor. (1912, c. 155)

§ 8. In addition to the powers conferred specifically upon said town, the council shall have power to lay off streets, walks or alleys; alter, improve and light the same, and have them kept in good order; to provide all buildings proper for the use of said town; to provide a prison house; to prevent injury or annoyance from anything dangerous, offensive or unhealthy, and cause any nuisance to be abated; to provide in or near the town water works, and places for the interment of the dead, and to make regulations concerning the building of houses in said town. (1912, c. 155)

§ 8-a. In addition to the other powers conferred upon the council by general law the council shall have power to acquire, construct, reconstruct, maintain and operate a water system and sanitary sewer system or sewer systems to serve the town. In the exercise of such power the council shall have authority to acquire lands or interest therein where reasonably necessary for the proper exercise of such power.

In order to obtain the funds with which to provide such water and sewer systems, the council shall have power to issue bonds in accordance with the provisions of Article 2 of Chapter 19 of Title 15 of the Code of Virginia.

The council shall have power to operate the water system and sewer system as a single combined undertaking as that term is used in paragraph (b) of Section one hundred twenty-seven of the Constitution.

In order to provide for the payment of such bonds the town shall levy taxes without limit as to rate upon real and personal property subject to taxation by the town and the revenue therefrom together with the rents, fees and charges from the system shall be employed to pay the principal and interest of such bonds.

The council shall have power to fix and prescribe the rents, fees and charges of persons using such system and to provide that unpaid charges shall constitute a lien upon

the property served, when properly recorded and indexed in the clerk's office of the Circuit Court of Buckingham County.

The council shall have further power to construct the system as a single undertaking in which event the same shall constitute a single undertaking as defined in § 127(b) of the Constitution.

As used in this section the following terms shall have the meanings respectively ascribed them, unless the context requires a different meaning:

(a) The term "water system" shall mean all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water, and any integral part thereof, including water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and equipment, appurtenances, and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the council for the operation thereof.

(b) The term "sewer system" or "sanitary sewer system" means pipe lines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage, industrial wastes or other wastes to a point of disposal. (1952, c. 292)

§ 9. The said council shall also have power to impose a specific license tax on all shows, performances and exhibitions which may be given in said town (except schools, religious and literary entertainments). It shall also have power to impose a specific license tax for the sale of merchandise that may be offered for sale in said town, provided the same shall not exceed that now imposed by law and payable into the State treasury, and to levy annually such taxes as may be deemed necessary on all real and personal property within said town for the purposes of said corporation, provided that said levy shall not exceed fifty cents on the one hundred dollars valuation of property as per State assessment, and provided, further, that the jurisdiction of said town in criminal matters shall extend one mile beyond the corporate limits of said town. (1912, c. 155)

§ 10. The sergeant of said town shall collect all licenses and taxes due said town, and pay the same to the treasurer, and shall receive therefor, in addition to such compensation as may be allowed by said council, a commission of five per centum on all amounts collected by him. (1912, c. 155)

§ 11. Any person selling or offering to sell within the corporate limits of said town any spirituous or malt liquors, wine, cider, sachola, or any other beverage under any name that is intoxicating, shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and in addition he may, in the discretion of the court, be imprisoned not more than sixty days, and shall be required to give bond for twelve months with approved security, in the penalty of five hundred dollars, and conditions that he will not again violate the provisions of this section. For the second and each succeeding offense he shall be fined not less than one hundred dollars, and shall be confined in jail not less than six nor more than twelve months. If he shall fail or refuse to execute the bond herein required, either for the first or any succeeding offense, he shall be confined in jail, in addition to his other punishment, not less than two nor more than six months. (1912, c. 155)

§ 12. That for the purpose of carrying into effect the police regulations of the said town, they shall be allowed the use of the jail of Buckingham county, for the safe-

keeping and confinement of all prisoners who shall be sentenced to imprisonment under the ordinance of the said town, and where any judgment shall be rendered against a prisoner for any penalty under any of the laws of the State of Virginia, or any ordinance of the said town, and the same is not immediately paid, the person or persons so in the default may require by order of the mayor or councilmen, who may try such case in the absence of the mayor, so passing sentences, to work out such fines or penalties and cost of prosecutions on the public roads or streets of the said town, or any other public improvements within said town, at fifty cents per day, under the direction of the sergeant and under such rules and regulations as may be deemed proper by the mayor or the council of said town. (1912, c. 155)

§ 13. An emergency existing, in that it is desired to at once improve the material interests of said town, this act shall be in force from its passage. (1912, c. 155)