AMHERST, TOWN OF
County of Amherst.

Incorporation and charter, April 15,1910, by circuit court; repealed 1950, c. 397.
Charter, 1950, c. 397.
Amended 1975, c. 347 (Art. III, § 1).

ARTICLE I
THE TOWN CORPORATE

§ 1. (1) The inhabitants of the territory comprised within the limits of the town of Amherst, as such limits are hereinafter set out or as the same may be hereafter altered and established by law, shall constitute and continue a body, politic and corporate, to be known and designated as the town of Amherst, and as such shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise and enjoy all the rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on said town as a municipal corporation, and shall have perpetual succession, may sue and be sued, implead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure by proper ordinance. (1950, c. 397)

ARTICLE II
CORPORATE LIMITS

§ 1. (1) The corporate limits of the town of Amherst are hereby established as follows: Beginning at the Southern Railway center line, on line between Whitehead and Cunningham thence North 37 degrees 20 minutes West 965 feet to stake; thence North 47 degrees West 900 feet to corner, the Judge Meeks property, thence North 55 degrees 55 minutes East 633 feet; thence North 65 degrees 40 minutes East 470 feet; thence North 60 degrees East 1300 feet; thence North 57 degrees 25 minutes East 315 feet; thence North 48 degrees East 550 feet; thence North 36 degrees 30 minutes East 470 feet; thence North 21 degrees 50 minutes East 865 feet; thence North 42 degrees 50 minutes West 1420 feet; thence South 81 degrees 35 minutes West 4725 feet to Tribulation Creek, thence up Tribulation Creek South 15 degrees 55 minutes West 739 feet; thence South 56 degrees 45 minutes West 689 feet; thence South 57 degrees 35 minutes West 458 feet; thence South 54 degrees 50 minutes West 614 feet; thence South 40 degrees West 598 feet; thence South 36 degrees 30 minutes West 441 feet; thence North 77 degrees 30 minutes West 202 feet; thence South 74 degrees 30 minutes West 368 feet; thence South 48 degrees 40 minutes West 383 feet; thence South 32 degrees 30 minutes West 407 feet; thence South 45 degrees West 580 feet to the pumping house inlet, thence along the Northeast side of said road as it meanders for 2925 feet crossing Route 29 to corner of line of Mrs. Effie Wills' land and Route 29; thence in a Southwest direction along the land of said Effie Wills in a straight line crossing Route 29, to the Northeast corner of the lot belonging to the estate of Elizabeth Payne, deceased, at south edge of Route 663; thence with said Payne property on the southern edge of said Route 663 to Tripple Oaks corner on Plot of Town, a distance of 1300 feet; thence South 65 degrees 26 minutes

East, 1145 feet to White Oak, thence South 57 degrees 5 minutes East 1410 feet to Lynchburg Road, thence South 63 degrees 5 minutes East 1016 feet to Southern Railway, thence South 64 degrees 20 minutes East 341 feet; thence South 85-1/2 degrees East 298 feet; thence North 7 minutes East 400 feet; thence North 22 degrees 50 minutes East 450 feet; thence North 20-1/4 degrees East, 363 feet; thence North 36-1/4 degrees East 218 feet; thence along eastern right of way line of the Southern Railway 2580 feet to beginning. (1950, c. 397)

ARTICLE III
ADMINISTRATION AND GOVERNMENT

§ 1. (1) The present mayor and councilmen of the town of Amherst shall continue in office and exercise all the powers conferred by this charter and the general laws of the State until June 30, 1976.

(2) On the day specified by general law for the holding of municipal elections in every even-numbered year, there shall be elected for two year terms by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and five other electors, who shall be denominated councilmen, and the mayor and councilmen shall constitute the town council. They shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall continue in office until their successors are duly elected and qualified. Every person so elected shall take an oath faithfully to execute and discharge the duties of his office to the best of his judgment, and the mayor shall take the oath prescribed by law for State officers. The failure of any person elected or appointed under the provisions of this charter to qualify or to take the oath required, within the time prescribed for entering upon the discharge of the duties of the office to which he is elected or appointed, shall vacate the said office, and the council shall proceed and is hereby vested with power to fill such vacancy in the manner herein prescribed.

(3) There shall be appointed for the town a registrar and officers of election in the manner provided for by general law of Virginia, and all elections held in said town shall be conducted in accordance with said general law; the electorate shall be that prescribed by general law.

(4) The council shall judge of the election, qualification, and returns of its members; may fine them for disorderly conduct, and, with the concurrence of two-thirds, expel a member. If any person returned be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be held on such day as the council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of any one eligible to such office. A vacancy in the office of mayor shall be filled by the council from the electors of the town, and any member of the council may be eligible to fill such vacancy.

(5) A majority of the members of the council shall constitute a quorum for the transaction of business.

(6) Each member of the council may receive a salary to be fixed by the council, payable at such times and in such manner as the council may direct, but the salary paid to any one member during any year shall not exceed the sum of one hundred dollars ($100.00) per annum. The mayor may receive a salary to be fixed by the council, payable in such manner and at such times as the council may direct, not to exceed the sum of five hundred dollars ($500.00) per annum; and such salary shall be in lieu of any

fees he is entitled to enter up as part of the costs and receive in the trial of cases of violation of the ordinances of the town as hereinafter provided for.

(7) The mayor shall preside at the meetings of the council and perform such other duties as are prescribed by this charter and by the general law, and such as may be imposed by the council consistent with his office. The mayor shall have no right to vote in the council, except in case of a tie he shall have the right to break the same by his vote; but he shall have the right to veto. He shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed and obeyed, and shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter. He shall see that peace and good order are preserved and that persons and property within the town are protected. He shall authenticate by his signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require. He shall from time to time recommend to the council such measures as he may deem needful for the welfare of the town.

(8) Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative be presented to the mayor. If he approves, he shall sign it, but if not, he may return it, with his objections in writing, to the town clerk who shall enter the mayor's objections at length on the minute book of the council. The council shall thereupon proceed to reconsider such ordinance or resolution. If, after such consideration, two-thirds of all the members elected to the council shall agree to pass the ordinance or resolution, it shall become operative notwithstanding the objection of the mayor. In all such cases the votes of members of the council upon such reconsideration and the names of the members voting for and against the ordinance or resolution shall be entered on the minute book of the council. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office or that of the council, shall expire within said five days.

(9) The council shall, as soon as practicable after qualification, and biennially thereafter following the regular municipal election, appoint one of its members as vice-mayor. The vice-mayor, during the absence or disability of the mayor, shall perform the duties and be vested with all the powers, authority, and jurisdiction, of the mayor; and in the event of a vacancy for any reason in the office of mayor, he shall act as mayor until a mayor is duly appointed by the town council or is elected. The member of the council who shall be chosen vice-mayor shall continue to have all the rights, privileges, powers, duties and obligations of councilman even when performing the duties of mayor during the absence or disability of the mayor of the town.

(10) The council shall, by ordinance, fix the time for their regular meetings, which shall be held at least once a month. Special meetings may be called by the clerk at the instance of the mayor or any two members of the council in writing; and no other business shall be transacted at a special meeting except that stated in the call, unless all members be present and consent to the transaction of such other business. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require executive meetings.

(11) The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record proceedings at large on the minute book and keep the same properly indexed.

(12) The council may adopt rules for regulating its proceedings, but no tax shall be levied, corporate debt contracted, or appropriation of money exceeding the sum of one hundred dollars be made, except by a recorded affirmative vote of a majority of all the members elected to the council.

(13) There shall be appointed by the council at its first meeting in July, or as soon as practicable thereafter, a treasurer, who shall hold office for a term of two years. The council may provide a salary for the treasurer. He shall give such bond, with surety and in such penalty as the council prescribes. He shall receive all money belonging to the town, and keep correct accounts of all receipts from all sources and of all expenditures of all departments. He shall be responsible for the collection of all taxes, license fees, levies and charges due to the town, and shall disburse the moneys of the town in the manner prescribed by the council as it may by ordinance direct.

(14) The treasurer shall make such reports and at such time as the council may prescribe. The books and accounts of the treasurer shall be examined and audited at least once during the term for which he is elected by a competent accountant selected by the council, such examination and audit to be reported to the council.

(15) The council may in its discretion designate the place of deposit of all town funds, which shall be kept by the treasurer separate and apart from his personal funds.

(16) There shall be appointed by the council, at its first regular meeting in July after its election, a clerk of the council, who shall hold office at the pleasure of the council. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal and shall attest the same. He shall keep all papers required to be kept by the council, shall publish such reports and ordinances as are required to be published, and shall perform such other duties as the council may from time to time require. His compensation shall be fixed by the council. Any vacancy in this office shall be filled by the council.

(17) There shall be appointed by the council at its first regular meeting in July or as soon as practicable thereafter, a town sergeant, who shall also be chief of police; and shall hold office at the pleasure of the council. His duties shall be such as the council prescribes. He shall be vested with the powers of a conservator of the peace. His compensation shall be fixed by the council.

(18) [Repealed.]

(19) The council may appoint or select such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties.

(20) All ordinances, resolutions and bylaws passed by the council shall take effect at the time indicated in such ordinances, resolutions or bylaws, but in event no effective date shall be set forth in any such ordinances, resolutions or bylaws passed by the council, the same shall become effective thirty days from its passage. (1950, c. 397; 1975, c, 347)

ARTICLE IV
TAXATION AND FINANCES

§ 1. (1) The Town Council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(2) To prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law, and to publish the same.

(3) To raise annually be levy and collection of taxes and assessments in the said town on all such property, real and personal, as is now or may hereafter be subject to taxation by towns by the laws of the Commonwealth, such sums of money as the council thereof may deem necessary for the purposes of the said town in such manner as the said council shall deem expedient in accordance with this charter, the Constitution and laws of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(4) To impose special or local assessments for local improvements and enforce the payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State, as may be in force at the time of the imposition of such special or local assessments.

(5) To contract debts in the name of and for the use of the town and make and issue, or cause to be made and issued, as evidence thereof, bonds, notes or other obligations, within the limitations prescribed by the Constitution and laws of this State concerning bonds issued by towns, upon 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 used in connection with any public utility owned and operated by the town.

(6) To borrow money temporarily, pending the issuance and sale of any bonds, notes or other obligations authorized by this charter, or in anticipation of the receipt of taxes and revenue of the current fiscal year, and to issue notes or other evidences of indebtedness therefor, and from time to time to renew such temporary loans or to use current funds to be ultimately repaid from the proceeds of said bonds, notes or other obligations, or from the town taxes and revenues, as the case may be.

(7) To expend the money of the town for all lawful purposes.

(8) To levy a tax or a license on any slot machine or similar device of any kind, whether a license may be required therefor by the State or not, and may, if permitted by general law, exceed the State license, if any be required, and may provide penalties for any violation thereof.

(9) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within the limits of the town or within one mile thereof; provided that the license fee for holding any of the foregoing within one mile of the town shall only be sufficient to provide regulation and protection.

(10) To impose licenses by ordinance upon businesses, trades, professions or callings, and upon persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of the town, whose principal office is or is not located in the town, except when prohibited by general law, whether or not a license may be required therefor by the State. The fee for such license may exceed the State license fee if any be required.

(11) Licenses may also be imposed upon and a fee therefor collected from persons, firms, or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in the town.

(12) For every license issued or transferred under this charter, there may be prescribed by ordinance a reasonable charge or fee, for issuing or transferring the same. Such charges or fees shall be paid into the town treasury.

(13) A lien shall exist on all real estate within the corporate limits for taxes, levies, penalties or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the penalties and procedure for collecting such taxes and for selling real estate for town taxes shall be the same as provided by the general laws of this Commonwealth. The council shall have the benefit of all other remedies for the collection of town taxes which are now, or may hereafter be permitted under the general laws of the State, including the power to distrain goods and chattels for failure to pay taxes levied thereon. (1950, c. 397)

ARTICLE V
PROPERTY

§ 1. The Town Council shall have the following powers:

(1) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real or personal, or any estate therein within or without the town, for any purpose of the town, not inconsistent with the general law, and the Constitution of Virginia, and to hold, improve, sell, lease, mortgage, or pledge, or otherwise dispose of the same or any part thereof, including any property now owned by the town.

(2) To acquire by gift, purchase, exchange or by the exercise of the power of eminent domain within this State, lands, or any interest or estate in lands, rock quarries, gravel pits, sandpits, water and water rights, and the necessary roadways thereto, either within or without the town, and to acquire and install machinery and equipment and build the necessary roads or trainways thereto, and to operate the same for producing material required for any and all purposes of the town.

(3) To acquire and operate parks, playgrounds, and public grounds within or without the corporate limits of the town, and to place on the same either within or without the town, stadia, swimming pools, recreation and amusement buildings, structures or enclosures or every character and charge admission thereto, and to rent out or lease the privileges of the same.

(4) To acquire by condemnation, purchase or otherwise, provide for, maintain, operate and protect aircraft landing fields either within or without the corporate limits of the town.

(5) To acquire in any lawful manner, for the purpose of encouraging commerce and manufacture, lands within or without the town, not exceeding at any one time five hundred acres in the aggregate, and from time to time sell or lease the same or any part thereof for industrial or commercial use and purposes, irrespective of the consideration paid for such lease or sale.

(6) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including 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 various departments of the town and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them, and, either within or without the town to construct, maintain, or aid therein, roads and bridges to any property owned by the said town, and situated beyond the corporate limits thereof, and to acquire land necessary for the aforesaid uses by condemnation or otherwise. (1950, c. 397)

ARTICLE VI
UTILITIES

§ 1. The Town Council shall have the following powers:

(1) To own, operate and maintain electric light and gas works, either within or without the corporate limits of the town and to supply electricity and gas, whether the same be generated or purchased by said town, to its customers and consumers both within and without the corporate limits of the said town, as such price and upon such terms as it may prescribe, and to that end it may contract for and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

(2) To own, operate and maintain water works and to acquire in any lawful manner in any county of the State, such water, lands, property rights and riparian rights as the council of the town may deem necessary for the purpose of providing an adequate water supply to the town and piping and conducting the same; to lay, erect and maintain all necessary mains and sewer lines, either within or without the corporate limits of the town, and to require abutting property owners within such corporate limits to connect therewith, for the distribution of water to its customers and consumers, both within and without the corporate limits of the town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connections therewith; to make reasonable rules and regulations promoting the purity of its water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all land comprised 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 any pollution or threatened pollution of such water supply, and any and all acts likely to impair the purity thereof; and to carry out the powers herein granted, the town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land, rights-of-way, riparian and other rights and easements necessary for said purposes, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(4) To charge and collect fees for permits to use public facilities and for public services and privileges; and to have the right and power to charge for any service rendered or convenience furnished to those residing without the corporate limits different from the rates charged for similar services or conveniences to those residing within the corporate limits.

(5) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for utilization and disposal of such material; to contract for or regulate the collection and disposal thereof; and to require the collection and disposal thereof, and to acquire land within or without the town for said purpose.

(6) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and sewage rates and charge directly

against the owner or owners of the building, or against the proper tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe before furnishing such service either to owner or tenant.

(7) To grant franchises for public utilities in accordance with the provisions of the Constitution and general laws; provided, however, the town shall at any time have the power to construct, own, operate, manage, sell, 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 any existing franchises to the contrary notwithstanding, if permitted by the terms thereof.

(8) To regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the owner or lessee of an electric light, telephone, or telegraph pole or poles, or wires, now in use or hereafter erected, to change the location of or move the same. (1950, c. 397)

ARTICLE VII
STREETS

§ 1. The Town Council shall have the following powers:

(1) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, streets, sidewalks, boulevards, parkways, alleys, and to alter, vacate, or close the same; to establish and maintain parks, golf courses, playgrounds and public grounds and to keep them lighted and in good order; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain or remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys and highways, to regulate the operation and speed of cars and vehicles within the streets and highways within the town; and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive.

(2) To give names to or alter the names of the streets. (1950, c. 397)

ARTICLE VIII
BUILDING REGULATIONS

§ 1. The Town Council shall have the following powers:

(1) 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 reconstructed any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes may become dangerous to life or property, or which may be erected contrary to law.

(2) To provide for regular and safe construction of houses in the town for the future and to provide a building code for the town; to provide setback lines on the streets beyond which no buildings may be constructed if permitted by general law; to require the standard of all dwelling houses to be maintained in residential sections in keeping with the majority of residences therein, and if permitted by general law to require the standard of all business houses to be maintained in business sections in keeping with the majority of the business houses therein.

(3) 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 one mile thereof, into streets, alleys, roads and lots or tracts, shall be submitted to and approved by the council before such plats or replats are filed for record, or recorded, in the office of the clerk of Amherst County, Virginia.

(4) To issue, or refuse (in case of noncompliance with the building requirements of the town) to issue, permits for the construction of buildings, fences, walls and other structures in the said town; and any person, firm or corporation failing to secure such permit prior to the beginning of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1950, c. 397)

ARTICLE IX
ADDITIONAL POWERS

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

(1) To compel the abatement and removal of all nuisances within the town or upon property owned by the town without its limits at the expense of the person or persons causing the same or of the owner or occupant of the ground or premises wherein the same may be, and to collect said expense by suit or motion or by distress and sale; to require all lands, lots and other premises within the town to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or to make them so at the expense of the owners or occupants thereof, and to collect said expense by suit or motion or by distress and sale; to regulate or prevent noisome or offensive business within the said town, or the exercise of any dangerous or unwholesome business, trade, or employment therein; to regulate the transportation of all articles through 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 the same shall be constructed and kept; to regulate the location, construction, operation, and maintenance of bill boards and signs; and generally to define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience and welfare of the inhabitants of the town; and to require all owners or occupants of property having public sidewalks adjacent thereto to keep the same clean and sanitary, free from weeds, filth, unsightly deposits, ice and snow, and any obstruction.

(2) To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; 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, iron or other fireproof materials; to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblages, entertainments or amusements.

(3) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerin, fireworks, kerosene, gasoline, and other like material; to regulate or prevent the exhibition of fireworks, the discharge of firearms, and the making of bonfires within the corporate limits of said town.

(4) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure the same, inspect all foodstuffs and prevent the

introduction and sale in said town of any articles 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 affected with contagious or infectious diseases to hospitals provided for them; to provide for the organization of a department or bureau of health, to have the powers of a board of health for the town, with authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all of the officials or employees of such department of health with such powers as the police officers of the town have, to establish quarantine ground within or without the town, and establish and enforce such quarantine regulations against contagious and infectious diseases as the council may see fit, subject to the laws of the State and United States.

(5) To provide for the care, support and maintenance of children and of sick, aged, insane, or poor persons and paupers.

(6) To provide and maintain either within or without the town, charitable, recreative, curative, corrective, detention or penal institutions.

(7) To regulate poultry or other fowl, hogs, dogs or other 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.

(8) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the flying of kites, throwing of stones, the setting off of fireworks 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.

(9) To establish markets in the town and regulate the same and to enforce such regulations in regard to the keeping and sale of fresh meats, vegetables, eggs, and other green groceries, and the trade of hucksters and junk dealers as may be deemed advisable.

(10) To prevent any person having no visible means of support, paupers, and persons who may be dangerous to the peace and safety to the town from coming to town from without the same; and to expel therefrom any such person who has been in the town less than twelve months.

(11) To exercise full police powers and establish and maintain a department or division of police.

(12) 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 and punish operators and inmates of the same; to prohibit and punish the carrying of concealed weapons within the town; to prevent and punish lewd, indecent, and disorderly exhibitions in the town. To prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public swearing and cursing, within the town.

(13) To prohibit and punish mischievous, wanton, or malicious damage to school, church, and public property, as well as to private property.

(14) To prohibit minors from and punish them for frequenting, playing or loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent thereof for permitting same.

(15) To compel persons sentenced to confinement in jail for any violation of the laws or ordinances of the town to work on the public streets, parks, or other public works of the town; and on the requisition of the mayor it shall be the duty of the sergeant of the town or the sheriff of Amherst County to deliver such persons to the duly authorized agent of the town for such purposes from day to day as they may be required. For the purpose of carrying into effect the police regulations of the town, the town shall have the use of the county jail of Amherst County for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of the town.

(16) To enjoin and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon the conviction of such violation.

(17) To pass and enforce all by-laws, rules, regulations, and ordinances which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of the citizens and their property, and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council, court or officers, thereof, or which may be necessarily incident to a municipal corporation.

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

(19) To offer and pay rewards for the apprehension of criminals.

(20) To provide by ordinance a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to prevent, license, regulate, control, and locate slaughter houses within or without the corporate limits of the town; and for such services of inspection to make reasonable charges; and to provide reasonable penalties for the violation of such ordinances.

(21) To establish, organize, administer, or contribute to the support of public schools and libraries, subject to the general laws establishing a standard of education for the State.

(22) 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.

(23) To make and enforce ordinances, in so far as not prohibited by the general laws of this State, to regulate, control, license and/or tax the manufacture, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout, and all liquids, beverages and articles containing alcohol by distillation, fermentation or otherwise.

(24) To require every owner or operator of motor vehicles residing in the town, on a date to be designated by the council, to annually register such motor vehicles and to obtain a license to operate the same by making application to the treasurer of the town, or such other person as may be designated by the council; to issue such license, and to require the owner to pay the annual license fee therefor to be fixed by the council, provided that the license fee shall not exceed the amount charged by the State on such machines. The council shall have the right to require the operator of the motor vehicle to

attach a proper license plate on a conspicuous part of the motor vehicle and to keep same thereon in plain view for common observation. The council may prorate such license fee over periods of not less that three months.

(25) In so far as not prohibited by general law, to control, regulate, limit and restrict the operation of motor vehicles carrying passengers for hire upon the streets or 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 and safety.

(26) To make and enforce ordinances, not inconsistent with the laws of this State.

(27) To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the council given by this charter, or any State law, or any amendments thereto; and to prescribe punishment for the violation of any town ordinance, rule or regulation, or of any provision of this charter, the penalty not to exceed fire hundred dollars ($500.00) fine or twelve months' imprisonment in jail, or both.

(28) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town council shall have and may exercise all powers which, under the constitution and laws of this State, it would be competent for this charter specifically to enumerate. (1950, c. 397)

ARTICLE X
ACTIONS AGAINST TOWN

§ 1. (1) No actions shall be maintained against the town for damages for any injury to any person or property alleged to have been sustained by reason of the negligence of the town or any officer, agent, or employee thereof, unless a written statement of the claimant, his agent, or attorney, or the personal representative of any decedent whose death is a result of the alleged negligence of the town, its officers, agents or employees, of the nature of the claim and the time and place at which the injury is alleged to have occurred or to have been received, shall have been filed with the mayor or any attorney appointed by the council for the purpose within sixty days after such cause of action shall have occurred, except where the claimant is an infant or non compos mentis, or the injured party dies within such sixty days such statement may be filed within one hundred and twenty days. And no officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1950, c. 397)

ARTICLE XI
MISCELLANEOUS

§ 1. (1) If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the act, but shall be confined in its operation to the part of the act directly involved in the controversy in which the judgment shall have been rendered.

(2) That nothing contained in this act, shall be construed to invalidate or to, in any manner, affect the present existing indebtedness, and liabilities of the town of Amherst, whether evidenced by bonded obligations or otherwise.

(3) All ordinances in force in the town of Amherst, not inconsistent with this charter, shall be and remain in force until altered, amended or repealed by the council.

(4) This act may for all purposes be referred to or cited as the Town of Amherst Charter of 1950.