

APPALACHIA, TOWN OF
County of Wise
Incorporated March 1, 1906

Charter, 1906, c. 67; repealed 1938, c. 41.

Charter, 1938, c. 41; repealed 1988, c. 168, except § 1.

Charter, 1988, c. 168.

§ 1. The Town and Its Boundaries.--The inhabitants of the territory comprised within the present limits of the Town of Appalachia, as hereinafter described, or as the same may be hereafter altered and established by law, shall continue to be a body politic and corporate, to be known and designated as the Town of Appalachia, and as such shall have and may exercise all powers which are now, or hereafter may be, conferred upon or delegated to, towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive; and the said town of Appalachia, as such shall 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, the present boundaries of the said town being as follows, to-wit:

Beginning as a chestnut and spruce pine and beech, on a spur of Stone Mountain, corner to Virginia Coal and Iron Company and Interstate Coal and Iron Company; thence North twelve degrees and forty-five minutes West, two thousand five hundred and sixty feet to a black oak and small white oak on a line between the Interstate Coal and Iron Company and Keystone Coal and Iron Company, thence with said line, continuing the same course, North, twelve degrees and forty-five minutes West, four hundred and two feet to a small chestnut; North thirteen degrees and fifteen minutes East, two hundred and ninety-two feet to a small spotted oak; North eleven degrees forty-five minutes, West three hundred and four feet to two spotted oaks; North one degree and forty-five minutes West three hundred and three feet to a stake and chestnut pointer; North eleven degrees and forty-five minutes West, one hundred and eighty-seven feet to a spotted oak; North two degrees and forty-five minutes East, two hundred and ninety feet to a stake and small chestnut pointer; North nine degrees forty-five minutes West, three hundred and forty-five feet to a beech stump, on top of Ison Rock Ridge, a corner to Keystone Coal and Iron Company and Interstate Coal and Iron Company's lands; North fifty-seven degrees and fifteen minutes East, two thousand and one-hundred feet, crossing Callahan Creek and the Interstate Railroad to a stake, a corner to the Martin Kilbourn fifty acre patent; South seventy-two degrees and fifteen minutes East, twelve hundred feet to a stake, a corner to the Johnson Wells survey; thence with a line thereof South eighty-six degrees and thirty minutes East, eighteen hundred and thirty feet to a stake in the Hagan line; South twenty-four degrees and thirty minutes East, eighteen hundred feet to a stake on the South bank of Powell's river at the upper end of an island; South forty-five degrees and West one thousand and fifty feet to a stake, beech and two dogwoods, pointers, a corner to the Martin Kilbourn twenty-five acre patent; South fifty-three degrees and fifteen minutes West, eight hundred and sixty feet to two pines and a white oak, a corner to Rosie Blondell tract; thence with lines thereof South eight degrees and thirty minutes West, two

hundred and sixty feet to a pine stump; South sixty-four degrees and fifteen minutes West, one hundred and twenty-four feet to a stake; South eighty-four degrees West, three hundred and thirty-two feet to a stake; South sixty-four degrees West, three hundred and fifty-two feet to a stake; South seventy-six degrees and thirty minutes West, six hundred and thirty-four feet to a white oak and dogwood; thence leaving the said Blondell's line South forty-six degrees and forty-five minutes West, two thousand six hundred and forty feet to the beginning. (1938, c. 41)

Chapter 1.

Incorporation and Boundaries.

§ 1.1. Incorporation.--The inhabitants of the territory comprised within the present limits of the Town of Appalachia, Virginia, as such boundaries are now, or may hereafter be altered and established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Appalachia, and such shall have perpetual succession, may sue and be sued, plead 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. (1988, c. 168)

§ 1.2. Boundaries.--The territory embraced within the Town of Appalachia is that territory described in § 1 of Chapter 41 of the Acts of Assembly of 1938 and as modified by an order of the Circuit Court of Wise County, Virginia, Case No. 20451 dated December 13, 1976. (1988, c. 168)

Chapter 2.

Powers.

§ 2.1. Powers of town.--The Town of Appalachia shall have all powers that may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, including, but not limited to, those powers set forth in §§ 15.1-837 through 15.1-907 of the Code of Virginia, as now exist and as hereafter amended, and all other powers which are now or may hereafter be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia are hereby conferred upon the Town of Appalachia, Virginia. (1988, c. 168)

Chapter 3.

Mayor and Council.

§ 3.1. Election, qualification and term of office.--A. The Town of Appalachia shall be governed by a town council composed of five members, all of whom shall be qualified voters of the town.

B. The council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified. The term of the three council members who were elected at the regular municipal election in May of 1984 shall expire on June 30, 1988. At the regular town election to be held on the first Tuesday in May, 1988, and every four years thereafter, three members of council shall be elected for a term of four years each. The terms of the two council members who were elected at the regular municipal election in May of 1986 shall expire on June 30, 1990. At the regular municipal election to be held on the first Tuesday in May, 1990, and every four years thereafter, two members of council shall be elected for a term of four years each.

C. At the first meeting in July, 1988, and biennially thereafter following the regular municipal election the council shall choose one of its members as presiding

officer who shall have the title of mayor. The mayor shall preside at meetings of the council and shall be recognized as head of the town government for ceremonial purposes and by the Governor for the purposes of military law. He shall have the same powers and duties as other members of the council with a vote, but no veto powers. (1988, c. 168)

§ 3.2. Vacancies.--Vacancies on the council and in the office of mayor shall be filled for the unexpired term by a majority vote of the members of council. (1988, c. 168)

§ 3.3. Qualifications of members.--Any person qualified to vote in the town shall be eligible for the office of councilman or mayor. (1988, c. 168)

§ 3.4. Powers of Council.--The council along with the mayor shall make such rules as are necessary for the orderly conduct of their business not inconsistent with the laws of the Commonwealth of Virginia, and shall have the power in their discretion to appoint a vice-mayor from among the members of the council, town manager, town attorney, town clerk, treasurer and a chief of police, who shall have such duties and shall serve for such terms and at such compensation as the council may determine. (1988, c. 168)

Chapter 4.

Miscellaneous.

4.1. Eminent domain.--The power of eminent domain as set forth in Title 15.1 and Title 25 of the Code of Virginia, as amended, are hereby conferred upon the Town of Appalachia, including the power to issue certificates pursuant to §§ 33.1 through 33.1-132 of the Code of Virginia. (1988, c. 168)

§ 4.2. Fiscal year.--The fiscal year of the town shall begin on July 1 of each year and end on June 30 of the following year. (1988, c. 168)

§ 4.3. Ordinance continuing.--All ordinances now in force in the Town of Appalachia, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the council. (1988, c. 168)

§ 4.4. Legislative procedure.--Except in dealing with parliamentary procedure the council shall act only by ordinance or resolution, and with the exception of ordinances making appropriations, or authorizing the contracting of indebtedness, shall be confined to one general subject. (1988, c. 168)