

CLINTWOOD, TOWN OF  
Located in County of Dickenson.

Incorporation and charter, 1884, c. 255; repealed, 1894, c. 616, except any parts not in conflict with the 1894 charter.

Charter, 1894, c. 616; repealed, 1946, c. 16.

Charter, 1946, c. 16.

Amended      1970, c. 306, c. 359 (§ 3)  
                  1978, c. 79 (§ 3)  
                  1979, c. 166 (§ 3).

§ 1. Establishment of Town of Clintwood.

The inhabitants of the territory embraced within the present limits of the Town of Clintwood, as hereinafter defined, 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 Clintwood, and as such shall have and may exercise all the powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia. (1946, c. 16)

§ 2. Limits of the town.

The boundaries of said town shall be embraced within the limits of one-half mile each way from the center of the courthouse in the said town, extending east, west, north and south, making an area of one square mile. (1946, c. 16)

§ 3. Town officials.

(1) The officers of the town shall be a mayor and five councilmen elected as hereinafter provided, clerk, treasurer, sergeant, assessor, and such other officers as the council may deem necessary and prefer. The terms of office of mayor and councilmen shall be four years. Three councilmen shall be elected by the residents of the town qualified to vote at an election to be held on the first Tuesday in May, 1980, and every four years thereafter. The mayor and two councilmen shall be elected, by the residents of the town qualified to vote at an election to be held on the first Tuesday in May, 1982, and every four years thereafter. The terms of office for those elected shall commence on the first day of July next following their election and shall serve until their successors are elected and qualified.

Each officer of said town shall take the oath prescribed by State law, and execute the required bond, prior to entry upon his duties. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of the members. Vacancies in the council shall be filled for the unexpired term by a majority vote of the remaining members. The present mayor, and council shall continue in office until the expiration of the terms for which they were respectively elected.

(2) The council shall appoint a clerk, a treasurer and such other officers as the council may deem necessary or proper, all of whom shall hold office at and during the pleasure of the council, and shall qualify for their respective offices as required by law, and shall furnish such bonds as may be required by the council. The same person may hold two or more of these offices, in the discretion of the council. The officers as

appointed by the council shall perform such services, and receive such compensation, as the council may provide.

(3) The council shall appoint a town sergeant who shall qualify and give bond in such amount as the council may require. The sergeant shall be vested with the powers of a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town, and to a distance of one mile beyond, as was formerly had and performed by constables. He shall perform such other duties, and receive such compensation as the council may provide. The council may appoint such other persons as policemen and assistants of the sergeant, and pay them such compensation, as the council may think necessary and proper.

(4) The mayor shall preside at all meetings of the council and perform such other duties as may be prescribed by this charter, and by the general laws, and such as may be imposed by the council consistent with his office. He shall be entitled to vote upon measures pending before the council only in event the other members voting are equally divided for and against such measure. He shall be ex officio a conservator of the peace within the town, and within one mile of the corporate limits thereof. He shall issue all warrants charging violation of any ordinances of the said town, and shall try and dispose of said warrants. He shall see that peace and order are preserved, and that persons and property within the town are protected. He shall perform such other services and functions as may be necessary or proper, and shall receive such compensation as may be provided by the council. In event of the mayor's absence, or disability to act, his duties shall be performed by the president of the town council, who shall be selected by the council for that purpose.

(5) The administration and government of the town of Clintwood shall be vested in the Town Council, with the mayor as the executive and tie-breaker as herein provided, all of whom shall be residents and qualified voters of the town. The council shall have full power and authority, except as herein otherwise stated, to exercise all the powers conferred upon the town, and to pass all legal laws and ordinances relating to its municipal affairs. Each member of the council may receive a salary, or per diem allowance, for his services as such member, the amount thereof to be fixed by the council, but such salary or allowance shall not exceed one hundred dollars (\$100.00) per year for each such member. The council may create, appoint, or elect such boards, bodies, departments, or officers as may be permitted or required by this charter or the general laws of the State of Virginia, and fix their compensation and define their duties.

(6) The council shall have one regular meeting each month, the time for such meetings being fixed by ordinance. Special meetings shall be called by the clerk of the council upon the request of the mayor or any three councilmen. Reasonable notice of such special meetings shall be given to each member of the council and the mayor. No business shall be transacted at a special meeting except that for which the special meeting is called, unless the council be unanimous. A majority of said councilmen shall constitute a quorum for the legal transaction of its business. (1946, c. 16; 1970, c. 306, 359; 1978, c. 79; 1979, c. 166)

§ 4. Powers of the town council.

In addition to the powers enumerated elsewhere in this charter, and the powers conferred by general law and the Constitution, the town council of the Town of Clintwood 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 of the legal purposes of the town; and to hold, improve, lease, sell or dispose of the same or any part thereof, including any property now owned by the town.

(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 said town may deem necessary for the purpose of providing an adequate water supply for the said 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 said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of said town, and to charge and collect water rents thereon; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to make reasonable rules and regulations for 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 control over all land comprised within the limits of the water shed tributary to any such water supply wherever such land 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 liable to impair the purity thereof; and to carry out the powers herein granted, the said town may exercise within the State all powers of eminent domain provided by the laws of this State.

(3) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; to contract or regulate the collection and disposal thereof and to require and regulate the collecting and disposal thereof.

(4) To inspect, test, measure and weigh any commodities or articles of consumption or use within the town; to establish, regulate, license and inspect weights, meters, measures and scales.

(5) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals, or other similar shows or fairs, or prohibit the holding of same, or any of them within the town, or within one mile thereof.

(6) To construct, 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 of proper operation of the 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.

(7) To establish, impose and enforce the collection of water and sewage rates, and rates and charges for public utilities or other service, 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 charges directly against the owner or owners of the buildings, or against the tenant or tenants, and in event such rates and charges shall be assessed against a tenant, then the council may require of such tenant a deposit of such reasonable amount as it may prescribe before furnishing such service to such tenant.

(8) To establish, construct and maintain satisfactory sewers, necessary lines and systems, and to require the abutting property owners to connect therewith, and to establish, construct, maintain and operate sewage disposal plants and to acquire by condemnation, or otherwise, within or without the town, all lands, rights-of-way, riparian or other rights and easements necessary for the purposes aforesaid, and to charge, assess and collect reasonable fees, rentals, easements, or costs of service for connection with and using the same.

(9) To grant franchise 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, whether 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.

(10) To compel the abatement and removal of nuisances within the town, or upon property owned by the town beyond its 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 expenses 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 and occupants thereof, and to collect said expenses by suit or motion, or by distress and sale; to regulate or prevent slaughter houses, or other noisome or offensive businesses within the said town, the keeping of hogs, or other animals, poultry or fowl therein, 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 they shall be constructed and kept; to regulate the location, construction, operation and maintenance of billboards, signs, advertising and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, cesthetic 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, fifth, unsightly deposits, ice and snow, and any obstruction.

(11) To direct the location of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, fireworks, kerosene oil or other like material; and to regulate the exhibition of fireworks, the discharge of firearms and the making of bonfires within the said town.

(12) To provide for the preservation of the general health of the inhabitants of said town, make regulations to secure same, inspect all foodstuffs offered for sale and to prevent the introduction and sale in said town of any articles or things intended for

human consumption which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy, or otherwise dispose of such article or thing without liability to the owner thereof, and to require said owner to destroy such article or thing, or to cause it to be destroyed, at the expense of the owner or possessor; to prevent the introduction or spread of contagious or infectious diseases, and to prevent and suppress disease generally; to enforce the removal of persons afflicted with contagious and infectious diseases to hospitals for treatment; to provide for the organization of a department or board of health with the authority necessary for the prompt and efficient performance of its duties, with the power to invest any or all the officials or employees of such department of health with such powers as the police officers of the town have; to establish quarantine grounds within or without the town and establish such quarantine regulations against infectious and contagious diseases as are appropriate under the laws of the state or nation.

(13) To prevent fowls and animals being kept, or running at large, in the town, or any thickly populated portion thereof.

(14) To prevent the flying of kites, throwing of stones or engaging in any sort of employment or amusement in the public streets which is dangerous or annoying to passerbys, and to prohibit and punish the abuse of animals.

(15) 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.

(16) To restrain and punish drunkards, vagrants and street beggars; to prevent drunken and reckless driving within said town limits, and within one mile outside the town limits; 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 said town; and to expel therefrom persons guilty of such misconduct who have not resided therein as much as one year.

(17) To make and enforce ordinances, insofar 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, possessing, dispensing, drinking and use of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale, porter, stout and all liquids and beverages and articles containing alcohol by distillation, fermentation or otherwise.

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

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

(20) To put into force and effect by ordinances any and all the foregoing powers, and any other powers and authority of the said 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 chapter, said penalty not to exceed five hundred dollars (\$500.00) fine or twelve months imprisonment in jail, or both.

(21) 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 said town, at such price and upon such terms as it may

prescribe, and to that end it may contract and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

(22) To construct in any parks, playgrounds or public grounds that it may maintain, or upon any town property, stadium, swimming pools, gymnasias, and recreation or amusement buildings, structures or enclosures of every character, refreshment stands, restaurants, et cetera; to charge admission for use of same and to rent out or lease the privilege of construction or use of such stadiums, swimming pools, recreation or amusement buildings, structures, or inclosures of every character, refreshment stand or restaurants, et cetera.

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

(24) To exercise the power of eminent domain within this State with respect to lands and improvements thereon, machinery and equipment for any lawful purpose of the said town.

(25) To prohibit minors from frequenting, playing in, and loitering in any public pool room, billiard parlor or bowling alley, and to punish such minor for so doing and any proprietor or agent thereof for permitting the same.

(26) To extinguish and prevent fires and to establish, operate, regulate and control a fire department or division. (1946, c. 16)

#### § 5. Streets.

The town council shall have the following additional powers:

(1) 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 and to prescribe different routes for different carriers; to prohibit the use of certain streets by motor trucks; to prescribe parking regulations on any or all streets and alleys; to close any street or alley temporarily to the use of heavily loaded motor vehicles which cause, especially in inclement weather, the said street or alley to become unfit for use by lighter vehicles or pedestrians.

(2) To give names to and alter the names of streets; to require the owners of houses in said town to place in public view the street number of said house or building as established in an orderly manner by the council; and to erect in a suitable manner such signs at the intersection of the streets or alleys of said town as will plainly show the name of said streets or alleys; and to install and operate appropriate traffic control signs at the intersections of said streets and alleys.

(3) The town shall have the power to acquire, establish, enter, open, widen, extend, grade, improve, construct, maintain, and clear public highways, sidewalks, boulevards, parkways and 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 and highways; to regulate the operation and speed of cars and vehicles within said streets and highways within the town

and for a distance of one mile from the limits thereof; and to do all other things whatsoever adapted to make said streets and highways convenient and attractive.

(4) The said town shall have the authority to exercise the power of eminent domain with respect to securing proper and necessary rights-of way, or other rights, for streets and other public conveniences in said town.

(5) The said town shall have the right to require anyone desiring to excavate in or along the border of any of said streets, highways or alleys to secure a permit from the mayor, or such person as the council may designate, for such excavation, and to punish violations of any ordinance in this respect.

(6) In every case where a street, alley, park or public property of the town has been or shall be occupied or encroached upon by a fence, building, porch, projection, or otherwise, without first having obtained consent thereto from the town council, or a franchise thereof, such occupancy or encroachment shall be deemed a nuisance, and the owner or occupant of the premises encroaching, upon conviction of so doing, shall be punished as provided for violations of ordinances hereinbefore, and each day's continuance of said occupancy or encroachment, after due notice from the mayor, shall constitute a separate offense; and the town council may require the owners of the premises encroaching, if known, or if not known, the occupant thereof, to remove the encroachment within a reasonable time, and if such removal be not made within the time prescribed by the council, to cause the encroachment to be removed and collect from the owner or occupant all reasonable charges therefor with costs by the same process that they are authorized by law to collect taxes. No encroachment upon any street or alley, however long continued, shall constitute any adverse possession to, or confer any rights upon, the person claiming thereunder, as against the town. (1946, c. 16)

§ 6. Taxation and finances.

The town council shall have control of taxation and finances for its municipal purposes. It shall have the following powers:

(1) To raise annually by levy 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 this 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 the Constitution of this State and the United States; provided, however, that it shall impose no taxes on the bonds of the said town.

(2) To impose special or local assessments for local improvements and the enforced payment thereof, subject to such limitations as may be prescribed by the Constitution and laws of this State.

(3) a. 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 the 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.

b. 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.

(4) To require every owner or operator of motor vehicles residing in the said 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 said town, or such other person as may be designated by the council; to issue said licenses, and to require the said owner to pay his annual license fee therefor to be fixed by the council, provided that the said license fee shall not exceed the amount charged by the state on the said machine. The council shall have the right to require the operator of said motor vehicle to attach a proper license plate on a conspicuous part of the said motor vehicle and to keep same thereon in plain view for common observation. The council may pro rate such license fee over periods of not less than three months.

(5) To charge and collect fees and permits to use public facilities and for public services and privileges. The said town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for same service within the corporate limits.

(6) Except as prohibited by general law, the town may levy a legal tax or license on any person, firm or corporation, pursuing or conducting any trade, business, profession, occupation, employment or calling, whatsoever, within the boundaries of the town, whether a license may be required therefor by the state or not, and may provide penalties for any violation thereof.

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

(8) All contracts and obligations heretofore or hereafter made by the town council, 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.

(9) A lien shall exist on all the real estate within the corporate limits of said town for taxes, levies and assessments in favor of the town, together with all penalties and interests due thereon, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling real estate for town taxes, and for the redemption of said 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 power 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.

(10) The town council shall provide for the assessment each year of all taxable property within said town in the same manner as provided by State law.

(11) The town council shall prepare, or cause to be prepared, annually a budget showing the estimated receipts and proposed expenditures for town purposes as required by State law.

(12) All goods and chattels wheresoever found may be restrained and sold for taxes and licenses assessed and due thereon for town purposes; and no deed of trust or mortgage upon goods and chattels shall prevent the same from being restrained and sold for taxes and licenses assessed against the grantor in such deeds while such goods and chattels remain in the grantor's possession.



(13) Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative bodies or directing administrative actions and emergency measures shall take effect at the time indicated in such ordinances. When no effective date shall be set forth in any such ordinance, resolution or bylaw the same shall become effective thirty (30) days from the date of its passage.

(14) The Town of Clintwood may levy a tax on all subjects of taxation not prohibited to it by, nor exempted in, the Constitution and general laws of Virginia. (1946, c. 16)

§ 7. Zoning and buildings.

The town council, in addition to the foregoing powers, 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 conveniences 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 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, 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.

(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 set-back lines on the streets beyond which no buildings may be constructed; to require the standard of all dwelling houses be maintained in residential sections in keeping with the majority of residences therein, and 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 Dickenson County, Virginia.

(4) To issue or refuse 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 beginnings of said construction or other work shall be deemed guilty of a misdemeanor and punished as hereinbefore provided. (1946, c. 16)

§ 8. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the part of the act directly involved in the controversy in which such judgment shall have been rendered. (1946, c. 16)