

HURT, TOWN OF
Located in Pittsylvania County.

Charter, 1966, c. 40.

Amended 1975, c. 94 (§ 4)
 1977, c. 117 (§ 4)
 2009, c. 130, 155 (§§ 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 [repealed]).

§ 1. The inhabitants of the territory in Pittsylvania County within the boundaries prescribed and set forth in § 2 hereof, and as may be incorporated herein by reference, be, is and shall henceforth continue to be a body politic and corporate, in fact and in name, under and by the name of the town of Hurt; 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 here granted 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 towns pursuant to the general law and Constitution of this Commonwealth. The said town of Hurt, as such 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. (1966, c. 40)

§ 2. The boundaries of the town of Hurt shall be as follows:

Beginning at the southwestern corner of the property of the new Altavista filter plant; thence in a northern direction along a fence 715.54 feet to a point in the center of the Staunton River; thence upstream following the center line of said Staunton River as it meanders a distance of 8124 feet to a point; thence leaving the center line of said Staunton River in a southwestern direction along the line of C. A. Arthur, crossing the Virginia Railroad right-of-way and continuing in a straight line along the lines of C. A. Arthur, Herman Parrish and John L. Hurt Estate to a point in the center of Sycamore Creek, which point is 1885 feet from the center line of Staunton River; thence up the center line of said creek as it meanders 1150 feet to a point; thence leaving the center of said creek in a southeastern direction following the line of the Burlington Mills property a distance of 1720 feet to a point; thence in an eastern direction following the property line of the Burlington Mills property a distance of 3791.46 feet to a point in the western margin of the right-of-way of U. S. highway 29; thence along the western right-of-way line of said U. S. Highway 29 as it meanders in a southwestern direction a distance of 4184.7 feet to a point, which point is 1033.20 feet northeast of a concrete monument in the highway right-of-way line at the corner of the Virginia State Highway Roadside Park; thence leaving the right-of-way of said highway in a southeastern direction, crossing said highway and crossing the right-of-way of the Southern Railroad Company along the lines of the church lot and the property lines of the John L. Hurt Estate to a point, which is 1334.7 feet from the western margin of U. S. Highway 29; thence following the property lines of the John L. Hurt Estate and Monk Hubbard 785 feet to a point; thence with Booth and Hubbard 640 feet to a point; thence following the property lines of the Altavista Country Club as it meanders a total of 3444.5 feet to a point on the western margin of

State Route 637; thence along the margin of State Route 637 as it meanders in a southern direction 457 feet to a point; thence leaving the western margin of said State Route 637 and crossing the same a distance of 3215.95 feet along the lines of M. A. Woolridge and F. A. Dowdy to a point in the center line of the gas transmission line of the Virginia Pipe Line Company; thence along the same 434.10 feet to a point on the western margin of State Route 634; thence continuing along the approximate center line of the said gas transmission line to a point in the eastern margin of the right-of-way of the Virginia Electric and Power Company easement; thence in a northern direction along the eastern margin of said electric right-of-way easement as it meanders a distance of 7989.4 feet to a point in the center line of Reed Creek; thence continuing along the center line of said creek, crossing State Route 668, 2833.94 feet to a point near the new Altavista filter plant; thence leaving said creek a distance of 155.53 feet to an iron at the point of beginning, containing approximately 1749 acres, all as shown on a map of Hurt, Virginia, dated November 1955, prepared by Hayes, Seay, Mattern & Mattern, Architects and Engineers, Roanoke, Virginia, and revised and traced by E. L. Moore, C.L.S., December 1965, to which is added the area described in an order of the Circuit Court of Pittsylvania County entered on April 25, 2008, and recorded in the Clerk's Office of the Circuit Court of Pittsylvania County as Instrument Number 080002953 and 080002954. (1966, c. 40; 2009, c. 130, 155)

§ 3. The town of Hurt shall have and may exercise all powers which it now has or which may hereafter be conferred upon or delegated to it under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of the affairs and functions of the municipal government, the exercise of which is not expressly prohibited by the Constitution and the general laws of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the inhabitants of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the municipality and the inhabitants thereof, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the municipality, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

In addition to the foregoing, the powers set forth in §§ 15.2-1100 through 15.2-1131, inclusive, of Chapter 11 of Title 15.2 of the Code of Virginia as now exists, and is hereinafter amended, are hereby conferred on and vested in the town of Hurt. (1966, c. 40; 2009, c. 130, 155)

§ 4. Administration and Government.

(1) The administration and government and all powers and authority connected therewith, of any pertaining to the town of Hurt shall be vested in the council of the town of Hurt and such boards or officers as hereinafter mentioned or may otherwise be provided by the council or general law. The council shall consist of a mayor and six council members, all elected as provided hereinafter.

(2) The mayor and the six council members shall be elected at large by the qualified voters of the town, and shall be elected on the Tuesday following the first Monday in November of even years.

At the municipal election to be held in November, 2010, and every two years thereafter three council members shall be elected for terms of four years each. At the municipal election to be held in November, 2012, and every four years thereafter the mayor shall be elected for a term of four years. The mayor and council members elected in the election of 2008 shall serve out their terms through 2012.

Terms of office shall commence on the first day of January next following their election and the council members and mayor shall continue in office until their successors have been elected and qualified. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of the members of said body or any of them. Every person elected shall take an oath faithfully to execute and discharge the duties of his or her office to the best of his or her 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 act 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 or she is elected or appointed, shall vacate the said office, and the council shall proceed and are hereby vested with power to fill such vacancy in the manner herein prescribed.

(3) The council of the town shall judge the election, qualification and return of its members; may fine them for disorderly conduct, and with concurrence of two-thirds vote of the council, expel a member. If any person returned, be adjudged disqualified, or be expelled, a new election to fill the vacancy shall be ordered by the council and held on such day as it may designate by ordinance. Any other vacancy occurring during the term of any member of the council 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 such office.

(4) For the transaction of business by the council, four members of whom the mayor may be counted as one, shall constitute a quorum.

(5) 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 three hundred (\$300.00) dollars 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 six hundred (\$600.00) dollars per annum.

(6) The mayor shall preside at the meetings of the council and perform such other duties as may be prescribed by this charter and by general law, and such as may be imposed by the council, consistent with his or her office. The mayor shall have no right to vote in the council except that in case of a tie vote then the mayor shall vote.

(7) The council shall, as soon as practicable, after qualification, choose one of its members as vice-mayor. The vice-mayor shall perform the duties of the mayor during his or her absence or disability, and in event of a vacancy for any reason in the office of mayor, he or she shall serve until a mayor is duly appointed by the council or is elected. The said vice-mayor shall continue to have all rights, privileges, powers, duties and obligations of a council member while performing the duties of mayor during the absence or disability of the mayor of the town. In the absence of the mayor or vice-mayor, the mayor may designate a member of the council to perform his or her duties.

(8) The council shall, by ordinance, fix the time for their meetings, but shall have at least one meeting each month. Special meetings shall be called by the clerk at the instance of the mayor or any three members of the council, in writing; no business shall be transacted at the special meeting but that for which it shall be called, unless the council be unanimous. The meetings of the council shall be open to the public except when in the judgment of the council the public welfare shall require closed sessions pursuant to the laws of the Commonwealth.

(9) 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.

(10) The council may adopt rules for regulating its proceedings, but no tax shall be levied or corporate debt contracted except by a vote of two-thirds of the council, four votes being counted as two-thirds, which vote shall be taken by yeas and nays, and recorded in the minute book. It may appoint such committees as may be deemed proper for the transaction of business, and may compel attendance of absent members.

(11) The council may require the mayor to communicate to it annually as soon after the close of the fiscal year, or oftener, if necessary, a general statement of the condition of the town in relation to its government, finances and improvements, with such recommendations as he or she may deem proper. He or she shall exercise a constant supervision over the conduct of all subordinate officers, have power and authority to investigate their acts, have access to all books and documents in their offices, and may examine such officer on oath. He or she shall have power to suspend all officers appointed by the council until the next regular meeting of the council, but such suspension shall in all cases be for misconduct in office or neglect of duty, to be specified in the order of suspension. In case of suspension of any officer the mayor shall submit a written report of the same to the council at its next regular meeting, or any meeting called for that purpose, specifically designating the charge against the officer and reasons for dismissal, and in case of suspension by the mayor, he or she shall have power to appoint some other person in his or her place to hold such office and perform the duties thereof until the next regular meeting of the council.

(13) [Repealed 1975.] (1966, c. 40; 1975, c. 94; 1977, c. 117; 2009, c. 130, 155)
§ 5. Town Clerk.

There shall be appointed by the council a clerk, who shall serve at the pleasure of the council. The clerk shall attend all meetings of the council, and shall keep a permanent record of its proceedings as hereinbefore set out; he or she shall be custodian of the town seal, and shall affix the same to all documents and instruments requiring a seal, and shall attest the same; he or she shall keep all papers, codes, documents, and records pertaining to the town, the custody of which is not otherwise provided for in this charter. He or she shall give all notices to all parties, presenting petitions or communications to the council of the final action of the council on such petitions or communications; he or she shall publish such reports and ordinances as the council is required to publish, and such other records and ordinances as it may direct, and; he or she shall perform such other acts or duties as the council may, from time to time, require. (1966, c. 40; 2009, c. 130, 155)

§ 6. Town Treasurer.

(1) There shall be appointed by the council a treasurer, who shall serve at the pleasure of the council. Before entering upon the discharge of his or her duties the

treasurer shall give bond with sufficient surety to be approved by the council, in the penalty of such amount as may be fixed by the council from time to time, payable to the town of Hurt, conditioned for the true and faithful performance of the duties of his or her office. The treasurer shall be responsible for the collection of all taxes, licenses, and levies and charges for services furnished by the public utilities of the town. The council shall have the authority to place in the hands of a town collector to be designated by it, the collection of any taxes, licenses and other levies at any time if in the discretion of the council it shall be proper so to do.

(2) The town treasurer shall receive all moneys belonging to the town which it is his or her duty to collect from persons owing the same to the town, or which it is the duty of other officers of the town to collect and pay over to him or her, and pay the same out as ordinances of the town may prescribe; to keep all such moneys safely, and account therefor; and to pay all drafts and orders made on him or her in conformity with ordinances of the town.

(3) The funds of the town shall be deposited by the treasurer in such bank or banks as the council may direct, and such bank or banks may be required to give security in such sum or sums as the council shall fix. He or she shall keep books showing accurately the date of his or her accounts and the money of the town shall be kept distinct and separate from his or her own money, and he or she is prohibited expressly from using directly or indirectly the town's money for his or her own benefit, or the benefit of any other person or persons whomsoever, and any violation of this provision shall subject him or her to immediate removal from office and criminal prosecution.

(4) The town treasurer shall, when required by the council, render an account to the council showing the state of the treasury and balance of money on hand. He or she shall also, when required by the council, accompany such account with a statement of all moneys received by him or her on what account with a list of checks paid by him or her during the month closed, and shall furnish such other information as the council may direct, and at all times the accounts and books of the treasurer shall be open to inspection by the mayor and council, and to any other person or persons appointed by the council to inspect the same.

(5) All taxes, levies and other sums of money received by the town treasurer belonging to the town of Hurt, shall be credited on the books of the treasurer, and paid out by him or her only on a warrant of the clerk of the council, countersigned by the mayor, or vice mayor in absence of the mayor.

(6) The treasurer shall perform such other duties as may be required by the council, not inconsistent with the general laws of the State, and he or she shall receive for his or her services such compensation as the council may deem proper. (1966, c. 40; 2009, c. 130, 155)

§ 7. The clerk of the council and the treasurer of the town may be one and the same person in the discretion of the council. (1966, c. 40)

§ 8. Sinking Fund.

(1) The council may provide for a sinking fund for the purpose of paying off as it matures any indebtedness of the town and may make an additional levy therefor, said sinking fund to be set aside and invested as provided for hereinafter.

(2) When taxes on real and personal property are collected for the year, the town treasurer shall take therefrom the necessary amount of any additional sum, if any, so set

apart and deposit the same in a separate account to the credit of the sinking fund in such bank or banks as the council may designate. All sinking funds shall be used exclusively in the payment or purchase and redemption of outstanding bonds of the town, and when such funds are not required or may not within a reasonable time be required for payment of any bond of the town or cannot be used to advantage in purchasing and redemption of any bonds of the town which might at any time be outstanding, the same shall be securely invested in interest bearing municipal State or government bonds, or invested in any security approved by the general laws of the State of Virginia for investment of such funds, or deposited in bank on a reasonable rate of interest. Such sinking funds may be used in the payment or purchase and redemption of all bonds of the town at the discretion of the council.

(3) The town council shall act as the sinking fund commission or committee and shall provide for the investment, deposit and application of the funds in conformity to the provisions of this charter; and may require any bank or banks receiving on deposit its revenues or any of its sinking fund a fidelity bond or other security. (1966, c. 40)

§ 9. Taxes.

(1) In addition to all other powers mentioned in this charter and granted by general law, the town council shall have power to raise annually by taxes and assessments in the said town on all subjects of taxation which are not forbidden by general law to incorporated towns, such sums of money as the council may deem necessary for the purpose of the town, and in such manner as the council shall deem expedient, in accordance with the Constitution and laws of this State and of the United States.

(2) The town council may levy a 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 exceed the State license, if any be required, except when prohibited by general law.

(3) Any payment of delinquent taxes made by the tenant, unless under express contract contained in his or her lease, shall be a credit against the person to whom he or she owes rent.

(4) The council may require owners of motor vehicles, trailers, semi-trailers, and other vehicles of any kind, residing in the town, licenses for the privilege of operating such vehicle in the town, such license to be issued and the fee therefor fixed by the town council.

(5) All goods and chattels found, may be distrained and sold for taxes assessed and due thereon, and no deed of trust or mortgage upon goods and chattels shall prevent the same from being distrained and sold for taxes.

(6) The council may add penalties for failure of any person or firm or corporation to pay taxes or licenses at the time provided for by ordinance of the council, and there shall be a lien for all taxes assessed which may be enforced as provided by general law of the State.

(7) The council may, by a two-thirds vote of the body, exempt real and personal property used for manufacturing purposes or other enterprises from all taxes for municipal purchases for a period not exceeding five years, if it deem it expedient to do so in order to encourage the establishment of such enterprise therein or thereon.

(8) The assessment of real and personal property in the town, for the purpose of municipal taxation, shall be the same as the assessment of such property for the purpose of county or State taxation, where there is a county or State assessment of such property.

(9) The council, in the name of and for the use of the town, may contract loans, incur indebtedness and cause certificates of debt or bonds to be issued, whenever two-thirds of its members by a recorded vote decide that it is to the interest of the town so to do, but such council may only borrow money to the extent prescribed by the Constitution and laws of this State. But the council shall issue no bonds or certificates of debt, except in anticipation of current revenue, until it shall have first submitted to the qualified voters of said town the question of whether or not such bonds shall be issued and a majority of the qualified voters voting at any election held for such purpose shall have voted for such issue. Such election shall be held under the provisions of the general laws of this State, except the council shall have power to call such election and fix the date thereof by ordinance, copy of which shall be published at least five days beforehand in some newspaper published in said town or having general circulation therein. The publisher of the newspaper shall certify to the publication thereof, which certification shall be recorded in the minute book of the town. The judges conducting any such election shall certify the returns to the clerk of the circuit court of Pittsylvania County and to the said council, not to the judge of the circuit court of said county.

(10) A lien shall exist on all real estate within the corporate limits for taxes, levies and assessments in favor of the town, assessed thereon from the commencement of the year for which the same were assessed and the procedure for collecting the said taxes, for selling of real estate for town taxes, and for the redemption of real estate sold for town taxes, shall be the same as provided in the general laws of the State, to the same extent as if herein fully set out. The said town and its treasurer shall have the benefit of all other additional remedies for the collection of town taxes which are now or hereafter may be granted or permitted by and under the general law. (1966, c. 40; 2009, c. 130, 155)

§ 10. Actions Against Town for Damages, etc.

(1) In any action against the town to recover damages against it for any negligence in the construction or maintenance of its streets, alleys, lanes, parks, public places, sewers, reservoirs, or water mains, where any person or corporation is liable with the town for such negligence, every such person or corporation shall be joined as defendant with the town in such action brought to recover damages for such negligence, and where there is a judgment or verdict against the town, as well as the other defendant, it shall be ascertained by the court or jury which of the defendants is primarily liable for the damages assessed.

(2) If it be ascertained by the judgment of the court that some person or corporation other than the town is primarily liable, there shall be a stay of execution against the town until execution against such person or persons or corporation or corporations shall have been returned without realizing the full amount of such judgment.

(3) If the town, when not primarily liable, shall pay the said judgment in whole or in part, the plaintiff shall, to the extent that the said judgment is paid by the town, assign the judgment to the town, without recourse on the plaintiff, and the town shall be entitled to have execution issued for its benefit against the other defendant or defendants who

have been ascertained to be primarily liable, or may institute any suit to enforce the said judgment, or an action at law, or scire facias to revive the said judgment.

(4) No order shall be entered or made, and no injunction shall be awarded by any court or judge, to stay proceedings of the town in the prosecution of their works unless it be manifest that they, their officers, agents, or servants are transcending the authority given them in this charter, and that the interposition of the court is necessary to prevent injury that cannot be adequately compensated in damages.

(5) The council of said town is authorized and empowered to compromise any claim for damages or any suit or action brought against said town. (1966, c. 40; 2009, c. 130, 155)

§ 11. Dedication of Streets and Plats Thereof.

(1) No plat showing a new street or highway within the town shall be filed or recorded in the office of the clerk or of any county until such plat shall have been approved by the council or its designated agent. The council shall not approve any such plat unless the streets and highways provided for therein are of sufficient width, of proper grades and suitable located to meet the probable traffic needs, to afford adequate light, air, and access of the fire apparatus to such buildings as may be erected along the proposed streets and highways; and to insure healthful conditions on the land adjacent to such streets or highways. The council may, in appropriate cases, require that a plat before being approved shall provide adequate open space for parks, playgrounds, or other recreational uses; but the inclusion of such open spaces upon a plat does not require their dedication to public use.

(2) Before approving any such plot the town council may, at its discretion, require the owner of such land to grade the streets and alleys thereon, according to grade or grade lines approved by the council. By the acceptance of any such plat, street, alley or highway as above set out, there shall be no liability upon the town to surface such street, or to install any sewage, water, gas, lights or other improvements, until in the judgment of the council the same is required. (1966, c. 40; 2009, c. 130, 155)

§ 12. (1) Whenever under the provisions of this charter any officer of the town or member of any board or commission is elected or appointed for a fixed term, except the mayor and vice mayor, such officer or member shall continue to hold office until his or her successor is appointed and qualified.

(2) All ordinances of the county of Pittsylvania, and all rules, regulations and orders legally made by any duly constituted authority empowered to pass such ordinances, and make such rules and regulations, insofar as they or any portion thereof are not inconsistent herewith, shall remain in force until amended or repealed in accordance with the provisions of this charter.

(3) The town of Hurt and all the officers thereof elected or appointed in accordance with the provisions of this act shall be clothed with all the powers and subject to all the provisions of general law not in express conflict with the provisions of this act. (1966, c. 40; 2009, c. 130, 155)

§ 13. (1966, c. 40; repealed 2009, c. 130, 155)