

HALIFAX, TOWN OF
Located in the County of Halifax.
Formerly Banister and Houston.

Banister established, 1817, c. 59.
Banister, incorporation and charter, 1874, c. 24
Banister, amending whole act, 1886, c. 412
Banister, charter, 1887, c. 244.
Banister, charter and name changed to Houston, 1890, c. 333.
Houston changed to Halifax, 1920, c. 342.
 Amended 1915, c. 122 (§ 11)
 1920, c. 342 (§§ 2, 8, 10 [repealed])
 1920, c. 431 (§ 11)
 1958, c. 78 (§§ 4, 6-a [added])
 1960, c. 241 (§ 13)
 1969 ex. session, c. 11 (§ 13)
 1970, c. 106 (§ 11)
 2005, c. 538 (§ 4)
 2011, c. 508 (§ 4).

§ 1. Be it enacted by the general assembly of Virginia, That an act to incorporate the town of Banister, in the county of Halifax, approved May 16, 1887, be amended and re-enacted so as to read as follows: (1890, c. 333)

§ 2. That the name of the town of Houston, in the county of Halifax, incorporated by an act of the general assembly, approved May 16, 1887, as amended February 22, 1890, be and the same is hereby changed to Halifax, and shall by this name continue, and the mayor and councilmen now in office, and their successors in office, shall continue to be a body politic and corporate by the name and style of the town of Halifax, and by that name and style shall have perpetual succession, with the power to sue and be sued, plead and be impleaded, in any of the courts of the Commonwealth, and with authority to purchase, receive, and hold lands, tenements, goods, and chattels, either in fee simple or any less estate therein, and the same to lease, give, grant, and assign or sell; and shall have and exercise, in addition to the rights and powers that belonged to the town of Houston, all rights, powers and privileges, conferred upon town by chapter one hundred and twenty-one of the Code of Virginia of 1919, and be subject to and governed by the provisions of said chapter, applicable to towns, and all laws which may be hereafter enacted by the general assembly for towns, so far as the same are not in conflict with this act. (1890, c. 333; 1920, c. 342)

§ 3. The boundaries of the said town shall be as follows: Beginning at a pine in the stable lot on the lands of R. H. Edmondson's estate; thence north twenty-six and one-eighth degrees, east twenty-seven poles to a red oak in the Banister Hill colored Baptist church lot; thence north thirty-two and one-eighth degrees, east seventy-two poles to a pine; thence north thirty-seven and three-fourths degrees, east fifty-three poles to a cedar at the corner; thence across the bridge road north seventy-one and three-fourth degrees, west twenty-six poles to a pear tree; thence south sixty-six and one-fourth degrees, west

fifty-eight poles to a cherry tree; thence north seventy-three and one-fourth degrees, west forty-two poles to a white oak; thence south twenty-three degrees, west twenty-eight poles to a rock; thence north seventy-three and three-fourths degrees, west seventy-one poles to the northwest corner of Willingham's lot; thence south forty-seven and three-fourths degrees, west thirty-six and one-half poles to a pine in the woods; thence south fifty-one and one-fourth degrees, west forty-eight poles to pointers; thence south sixty-three and three-fourths degrees, west twenty-four poles to N. T. Green's stable; thence south ten and one-half degrees, west thirteen poles to a cedar; thence south sixty-four degrees, east one hundred and seventy-two poles to a bunch of locusts on Academy branch; thence down the branch as it meanders south thirty-seven degrees, east thirty-three and one-fourth poles, south forty-two and one-half degrees, east twenty-six poles, south fifty-one degrees, east eight and three-fourths poles to the lower line of the right of way of the Lynchburg and Durham railroad where it crosses the branch; thence along line of the right of way of the said railroad to its crossing of the branch opposite the lower or second culvert pipe running into the ice-pond on the lands of R. H. Edmondson's estate one hundred and fifty-three poles; thence from the lower line of said right of way opposite said culvert pipe, north thirteen and three-fourths degrees, west one hundred and six and one-half poles to the beginning. (1890, c. 333)

§ 4. The administration and government of the town is vested in the council composed of a mayor and six councilmen, all of whom shall be electors of the town.

(a) The said council shall be elected in the manner provided by law, as follows: At the regular municipal election to be held on the second Tuesday in June, 1958, the mayor and six councilmen shall be elected. The mayor shall be elected for a term of four years and every four years thereafter. The three councilmen, each of whom has received more votes in said election than any of the other members, shall serve as members of the council for terms of four years each. The remaining three members shall serve for a term of two years each.

In the regular municipal election to be held on the second Tuesday of June, 1960, and every two years thereafter, three councilmen shall be elected for terms of four years each. Terms of office shall begin on the first day of July next following their election.

However, beginning in 2012, the municipal election shall be held at the time of the regular general election to be held on the first Tuesday following the first Monday in November. Terms of office shall begin on the first day of January following the municipal election. The mayor and councilmen elected in 2008 and 2010 shall have their terms extended by six months during the transition to November municipal elections and the staggered election cycle shall be maintained.

Each councilman and the mayor elected as hereinabove provided shall serve for the term stated or until his successor has 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 term of office or removal of any of its members.

(b) Vacancy in the council shall be filled within sixty days, for the unexpired term, by a majority vote of the remaining members; provided, that if the term of office to be filled does not expire for two years or more after the next regular election for councilman, following such vacancy and such vacancy occurs in time to permit it, then the council shall fill such vacancy only for the period then remaining until such election, and a qualified

person shall then be elected by the qualified voters and shall from and after the date of his election and qualification succeed such appointee and serve the unexpired term. The number of candidates for council equal to the number of vacancies to be filled for full terms receiving the highest number of votes shall be entitled to such full terms and the candidate receiving the next highest number of votes shall be entitled to the unexpired term caused by such vacancy. (1890, c. 333; 1958, c. 78; 2005, c. 538; 2011, c. 508)

§ 5. The mayor and said councilmen shall together constitute the council of said town; and in the council so composed (four of whom shall constitute a quorum for its transaction of business) shall be vested the corporate powers of the said town. (1890, c. 333)

§ 6. The council shall, at its regular meeting in July, 1890, and every two years thereafter, appoint a sergeant, clerk, assessor, and treasurer and may appoint policemen and such other officers and agents for the proper conduct and business of the town as they may deem necessary, prescribe their duties, fix their compensation, and require and take from them such bonds, with good security, and in such penalty as they may deem proper, with condition for the faithful discharge of the duties of their offices; provided, that if such appointments are not made at the regular meeting in July, then the same may be made at any subsequent meeting. The officers so appointed shall hold their respective offices for the term of two years, unless sooner removed, and thereafter until their successors are appointed and qualified. The same person may, in the discretion of the council, be appointed to, and hold at the same time, more than one of said offices. The sergeant of said town shall, in addition to the duties that may be prescribed by the council, have the same powers and discharge the same duties as constables, within the corporate limits thereof, and to the distance of one mile beyond the same. (1890, c. 333)

§ 6-a. (1) The council may, by resolution, create a court of limited jurisdiction designated and known as the police court of the town of Halifax. The jurisdiction of the court shall be limited to cases involving violations of town ordinances or of cases instituted for the collection of town taxes or assessments or other debts due and owing to the town of Halifax. The trial officer presiding over the police court of the town of Halifax shall be known as the police justice of the town of Halifax.

(2) The council may provide for a substitute police justice who shall have the same power and authority as the police justice while serving, and who shall receive such compensation as the council shall prescribe.

(3) The council shall provide a suitable place for the sessions of the court, and all necessary books, stationery and supplies.

(4) The council may provide a clerk of the court or such clerical assistance as it deems necessary and prescribe the duties and fix the compensation of all such employees.

(5) The fees in such court shall, unless otherwise provided by charter or by ordinance, be the same as those provided by law for county courts, and all fines imposed by the police justice shall be paid into the treasury of the town of Halifax.

(6) The police court, its jurisdiction, removal of actions, appeals, procedure, jurisdiction of the mayor and all powers of the court shall be subject to the provisions of Chapter 6 of Title 16.1 of the Code of Virginia, as amended. (1958, c. 78)

§ 7. The council shall have, subject to the provisions of this act and of chapter forty-four of the code of Virginia of 1887, applicable to towns, the control and

management of the fiscal and municipal affairs of the town, and of all property, real and personal, belonging to it, and may make such ordinances, orders and by-laws, and regulations, as they may deem necessary to enforce and carry out the powers vested in said council; and in addition thereto, the following powers, which are hereby vested in them:

First. To secure the inhabitants from contagious, infectious or other dangerous diseases.

Second. To regulate the building of stables, privies and hog pens; to require and compel the abatement and removal of all nuisances or anything which in the opinion of the majority of the council, or in the opinion of the mayor under an ordinance vesting in him such discretion, is a nuisance within the said town, at the expense of the person causing the same, or the owner or owners of the ground whereon the same may be, the collection of which said expense may be enforced in the same manner as fines due said town; to provide for the drainage of lots by proper drains or ditches; to prevent or regulate slaughter-houses and soap factories within the said town, or the exercise of any dangerous, offensive or unhealthy business, trade or employment therein.

Third. To prevent hogs, dogs, cows or other animals from running at large in the town, and may subject the owners thereof to such levies, taxes and regulations as they may think proper.

Fourth. To establish and maintain a fire department in the said town, and to provide for the regulation of the same, and to compel the residents of the town to aid and assist the fire department when necessary. They shall have power to establish fire limits in the said town, within which no building shall be erected without the consent of council, unless the outer walls thereof be of brick, stone or some other incombustible material.

Fifth. To prevent the riding or driving of horses or other animals at an improper speed; to prevent the throwing of stones, playing marbles, or the engaging in any employment or sports on the streets, sidewalks or public alleys and grounds; to prohibit and punish the abuse or cruel treatment of horses or other animals in the said town and to prohibit and punish the tying of horses or other animals to any fence, pailings or other objects on or along the streets and public ways in said town.

Sixth. To restrain and punish drunkards, vagrants, and street beggars; to prevent vice and immorality; to preserve public peace and good order; 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 conduct or exhibitions in the said town, and expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

Seventh. To prevent any cow, horse, hog, or other animal from injuring or trespassing upon any public square or grounds within the corporate limits of the said town, or grazing thereon, whether the same belong to the state, town, or county, and from injuring or destroying any tree growing in such square or grounds. (1890, c. 333)

§ 8. Where, by the provisions of law, the council have authority to pass ordinances on any subject, they may prescribe punishment by fine or imprisonment, or both, for all violations thereof; provided, that in no case shall the fine exceed fifty dollars or the imprisonment for sixty days. Fines may be recovered with costs, upon warrants issued in the name of the town of Halifax before the mayor or councilman of said town.

Whenever judgment is rendered against any person for a fine, the officer trying the offender may require immediate payment thereof, and in default of such payment may commit the party so in default to jail until such fine and costs be paid, or may compel him to work out such fine and costs on the public streets or ways or other improvements of said town, upon such terms as the council may by ordinance prescribe. All fines for the violations of the ordinances of said town shall be paid into the treasury thereof and be appropriated as the council may determine. (1890, c. 333; 1920, c. 342)

§ 9. Until a jail or prison-house is provided for said town by the council thereof they shall have the use of the jail of Halifax county for the safe-keeping and confinement of all persons sentenced to imprisonment under the ordinances or by-laws of the said town. (1890, c. 333)

§ 10. (1890, c. 333; repealed 1920, c. 342)

§ 11. To meet the expenses that may be lawfully chargeable to the said town, the council may annually levy a town levy of so much as in its opinion may be necessary upon all taxable persons and property resident or situate in said town not exempt from taxation by the laws of the State; provided that a capitation tax not greater than one dollar and fifty cents per head on the inhabitants of said town over the age of twenty-one years may be levied each year; and provided further that the tax so to be levied on the real property within the said town do not exceed two dollars on the hundred dollars of the assessed value thereof for any one year. The town is also authorized to levy such other taxes as are permitted by general law. (1890, c. 333; 1915, c. 122; 1920, c. 431; 1970, c. 106)

§ 12. The council of said town may impose, levy, and collect a license tax on all persons doing business in said town, and upon any person or employment therein which it may deem proper, whether any tax be imposed thereon by the state or not. As to all such persons or employment the council may lay a direct tax, or may require a license therefor under such regulations as it may prescribe and levy a tax thereon. (1890, c. 333)

§ 13. The council may, in the name of and for the use of the said town, contract loans and issue bonds therefor in the manner now or hereafter provided for towns by general law. (1890, c. 333; 1960, c. 241; 1969 Ex Sess, c. 11)

§ 14. The council of said town may pass all by-laws, rules, and ordinances, not repugnant to the constitution and laws of the state, 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 its citizens or their property; and to do such other things and pass such other by-laws and ordinances as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction which is, or shall be, granted to, or vested in, said town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation. (1890, c. 333)

§ 15. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed, so far as they may apply to the town of Halifax. (1890, c. 333; 1920, c. 342)

§ 16. This act shall be in force from its passage. (1890, c. 333)