

WEBER CITY, TOWN OF
County of Scott.

Incorporated, 1954, c. 583.

Amended 1973, c. 32 (§ 4)
 1973, c. 347 (§ 4.1 [added])
 2011, c. 472 (§ 3).

§ 1. The Town Corporate.

The inhabitants of the hereinafter defined limits in Estillville Magisterial District in the County of Scott is hereby made and constituted a body, politic and corporate, to be known and designated as the Town of Weber City, 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 the said Town of Weber City, 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. (1954, c. 583)

§ 2. Corporate Limits.

The corporate limits of the Town of Weber City are hereby established as follows: So much of the territories in the County of Scott, together with all the improvements and appurtenances thereunto belonging, as is contained in the following boundaries, to-wit:

BEGINNING at the point of intersection of a line 100 feet southwestwardly from and parallel with the center line of the main track of the Railway Company's Bristol line, with a line 50 feet eastwardly from and parallel with the center line of the main track of the Railway Company's Bulls Gap Line; thence southwardly along the last described line 200 feet more or less to a point in the center of Big Moccasin Creek; thence following the middle of Big Moccasin Creek southeastwardly 140 feet more or less to an intersection with the westerly right-of-way line of U. S. Highway Route No. 23; thence southwardly and southwestwardly along the irregular common dividing line between the right-of-way of the Railway Company for its Bulls Gap Line and the right-of-way of U. S. Highway No. 23 as established by condemnation (State Highway Commissioner vs. Southern Railway Company) December 4, 1929 and by deed of V&SW Railway to the Commonwealth of Virginia March 2, 1949, a distance of 1,800 feet more or less, to an intersection with the Jayne Farm subdivision line produced southeastwardly across the Railway Company's right-of-way; thence North 47-24 west 1,205 feet, thence S 32-36 W. 632.0 feet, thence S 36-39 E 962.0 feet to the North side of Broad Street in the Jayne Farm Subdivision and the west property line of said subdivision, thence S 60-11 W 860.1 feet to a stake in private drive of Jim Bells,' thence s 60-01 W 738.2 feet to a stake on McArthurs' Property and the Right-of-Way of Drive to Blantons' Property, thence N 9-03

W 547.1 feet to a stake behind Blantons' house, thence S 80-57 W 305.2 feet to a stake in Blantons' west property line, thence with said line S 1-00 E 166.5 feet to a stake in Fence line, thence S 16-04 E 501.8 feet to a stake, thence S 76-11 W 1212.0 feet to a stake in the center line of street through Miller Subdivision, thence S 73-06 W 165.0 feet to a fence post, thence S 41-00 W 926.0 feet to a stake 226.0 feet north of center line of Southern Railway, thence S 71-52 W 1800.0 feet to a stake in the old Smith and John Henry Johnson line, thence S 8-59 E crossing the Southern Railway 1316.0 feet to a stake, a corner to the John Henry Johnson land sold by the Osborne Land Company Map by J. M. P. Gray dated November 1930, thence with said map S 37-31 W 380.0 feet to a stake a corner to the present Holston Cemetery Corporation, thence with Cemetery line S 70-14 E 988.0 feet to a stake 150.0 feet west of the right-of-way line of U. S. Route #23, thence paralleling said Route by 150.0 feet S 6-20 W 1960.0 feet to a stake on Jim Brays' Property, thence S 48-14 E 850.0 feet to a stake on the E. Cox Farm, thence N 6-20 E 2290.0 feet to a stake in the Peters Estate line, thence with their property line N 70-14 W 532.0 feet to a stake, thence N 19-46 E 126.0 feet to a corner post a corner of said Peters land, thence N 35-03 E 431.0 feet to a post a corner to said Peters land, thence N 56-42 W 24.0 feet to a center line of road layout behind or south of Lots 31 to 49 of the above mentioned J. M. P. Gray map, thence with center line of said road N 50-33 E 514.0 feet, thence N 51-03 E 630.0 feet, thence N 64-48 E 611.0 feet to a stake, thence N 43-18 E 675.0 feet, thence N 40-48 E 581.0 feet, thence N 9-42 W 105.0 feet to a post a corner to Poplar Hill Subdivision and Peters Estate, thence N 71-48 E 142.5 feet to a post, thence N 51-01 E 178.6 feet to a post, a corner in said Peters Estate, thence S 66-09 E 551.0 feet to a stake in the Wilhelm Heights Subdivision thence S 56-49 E 557.0 feet, thence S 29-49 E 190.0 feet to the center line of Big Moccasin Creek, thence with the said center line N 55-56 E 175.0 feet, thence N 42-48 E 1500.0 feet to the center line of Big Moccasin Creek and the intersection of the American Legion Property line, thence N 48-12 W 570.0 feet, thence N 31-39 W 95.6 feet to the south side of Baltic Road of the J. F. Bushelman Subdivision, thence with said road N 58-21 E 532.5 feet to the corner of the American Legion Property, thence S 31-39 E 528.0 feet to the center line of Big Moccasin Creek, thence with the said center line N 38.21 E 550.0 feet to the intersection of the Bushelman and Gardner lands, thence N 7-21 E 1,640 feet to the south right-of-way line of the Southern Railway Bristol line; thence northwestwardly along said Railway right-of-way line and at all points 70 feet southwestwardly from the center line of the Railway Company's main track 1,037 feet more or less; thence to the left by a right angle 30 feet to a point which is 100 feet from the center line of said main tract; thence to the right by a right angle along the Railway Company's right-of-way line parallel with and 100 feet southwestwardly from the center line of main track 135 feet, more or less, to an intersection with the northeasterly right-of-way line of State Highway No. 10; thence in a northwestwardly direction along the irregular common dividing line between the right-of-way of the Railway Company and the right-of-way of said Highway No. 10 as established by condemnation (State Highway Commissioner vs. Southern Railway System) March 13, 1933, a distance of 1,125 feet, more or less, to a point 100 feet southwestwardly from the center line of the main track; thence northwestwardly along the Railway Company's right-of-way line 100 feet southwestwardly from and parallel with the center line of the main

track 45 feet more or less to the point of beginning, containing 16,009,300 sq. ft. of area or 367.53 acres. (1954, c. 583)

§ 3. Powers of the Town of Weber City.

In addition to the 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 raise revenue by the levying and collection of taxes on property in accordance with this charter and the Constitution and laws of the Commonwealth.
- (2) To impose special local assessments for local improvements and to enforce payment thereof, subject to such limitations prescribed by the Constitution and general laws as may be in force at the time of the imposition of such special or local assessments.
- (3) [Repealed.]
- (4) To contract debts, borrow money, and make and issue evidences of indebtedness.
- (5) To expend the money of the town for all lawful purposes.
- (6) 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, and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any part thereof, including any property now owned by the town.
- (7) 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.
- (8) 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 said town may deem necessary for the purpose of providing an adequate water supply to the said 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 said town, for the distribution of water to its customers and consumers, both within and without the corporate limits of the said town, and to charge and collect water rents therefor; to erect and maintain all necessary dams, pumping stations and other works in connection 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 said town may exercise within the State all powers of eminent domain provided by the laws of this State.
- (9) 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, sand pits, 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.

(10) To provide in or near the town the land to be used as burial places for the dead; to improve and care for the same and the approaches thereto, and to charge for and regulate the use of the ground therein, to cooperate with any nonprofit corporation or association in the improvement and care of burial places and approaches thereto; and to provide for the perpetual upkeep and care of any plot burial lot therein the town is authorized to take and receive sums of money by gift, bequest or otherwise, to be kept and invested and the income thereof used in and about the perpetual upkeep and care of the said lot or plot for which the said donation, gift or bequest has been made. And all acts of the said town in accepting from any cemetery company, society or corporation such land to be used as a burial place for the dead, whether said land had been heretofore used or not, as well as all contracts and agreements made with any person or persons for perpetual care and maintenance, are hereby declared valid.

(11) 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.

(12) 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.

(13) 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.

(14) To construct, purchase, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, armories, markets, and all buildings and structures necessary or appropriate for the use and proper operations 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.

(15) To establish, alter, enter, open, widen, extend, grade, improve, construct, maintain, and clean public highways, streets, sidewalks, boulevards, parkways, and alleys; to establish and maintain parks, playgrounds, and public grounds; 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, streets, alleys, public grounds and works; to plant and remove shade trees along the streets and upon such public grounds; to prevent the obstruction of such streets, alleys, and highways, abolish and prevent grade crossings over the same by railroads in the manner provided by the general law for the elimination of grade crossings; to require any railroad company operating a railroad at a place where any highway or street is crossed within the limits of the town to erect and maintain at such crossing proper gates and keep a person in charge thereof, or keep a flagman at such crossings during such hours as the council may require in accordance with general laws, and to regulate the length of time such crossing may be closed due to any railroad operations within the town and to do all other things whatsoever adapted to make said streets and highways safe, convenient, and attractive.

(16) In addition to the parks and playgrounds above provided for, the said town may also acquire by purchase, gift, or devise, and operate parks, playgrounds and public

grounds without the corporate limits of the town, and may place on the same either within or without the town stadia, swimming pools, recreation and amusement buildings, structures or enclosures of every character and charge admission thereto, and may rent out or lease the privileges of the same.

(17) 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 charges 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.

(18) 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 purpose, and to charge and assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using the same.

(19) To require every owner 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 such person as may be designated by the council of said town to issue said license, and to require the said owner to pay an annual license fee therefor to be fixed by the council; provided that such license fee shall not exceed that charged by the State on such machines.

(20) Insofar as not prohibited by the general law of the State, to control, regulate, limit and restrict the operations of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to regulate the operation of motor vehicles upon the streets; to regulate the routes in and through the town to be used by motor vehicle carriers operating in and through said 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 and parking therein as may be necessary for the general welfare and safety.

(21) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the 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.

(22) Subject to the provisions of the Constitution and general laws of this State, to grant franchises for public utilities.

(23) 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.

(24) 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, 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 slaughter houses or other 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 said 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 billboards 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.

(25) To extinguish and prevent fires, and to establish, regulate, and control a fire department or division; to regulate the size, height, material, 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 have become dangerous to life or property, or which may be erected contrary to law; to enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, amusements, or school gatherings.

(26) To direct the location and construction of all buildings for storing explosives or combustible substances; to regulate the sale and use of gunpowder, nitroglycerine, 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.

(27) 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 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 said 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 the United States.

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

(29) To acquire by purchase, gift or devise, 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.

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

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

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

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

(34) [Repealed.]

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

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

(37) To compel persons sentenced to confinement in the jail of the town 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 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 Scott County for the safe keeping and confinement of all persons who shall be sentenced to imprisonment under the ordinances of said town.

(38) To enforce, and restrain the violation of any town ordinance or ordinances, although a penalty is provided upon conviction thereof.

(39) To pass and enforce all bylaws, 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 its 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 offices thereof, or which may be necessarily incident to a municipal corporation.

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

(41) To prescribe any reasonable penalties for the violation of any town ordinance, rule, or regulation, or of any provision of this charter, not exceeding penalties for similar offenses prescribed by the general laws of the State of Virginia.

(42) To give names to or alter the names of streets.

(43) 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 a mile of its corporate limits 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 Scott County.

(44) 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, at 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.

(45) 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.

(46) To provide by ordinance for a system of meat and milk inspection, and appoint milk and meat inspectors, agents, or officers to carry the same into effect; to license, regulate, control, and locate slaughter houses within 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.

(47) 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.

(48) 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. (1954, c. 583; 2011, c. 472)

§ 4. Administration and Government.

(1) That the Circuit Court of Scott County shall, within 30 days after this charter goes into effect, appoint the mayor, recorder, treasurer and six councilmen for the said town and the persons appointed by the court shall hold office until their successors in office shall be duly elected and qualified as hereinafter provided for.

(2) Except as otherwise provided in this charter, all powers of the town and the administration and government thereof shall be vested in the council and such boards or officers as are hereafter mentioned, or may be by law otherwise provided.

(3) On the second Tuesday in June, 1955, and every two years thereafter, on the first Tuesday in May there shall be elected by the qualified voters of the town, one elector of the town, who shall be denominated mayor, and six 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 provision 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.

(4) 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.

(5) 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 anyone 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.

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

(7) 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 nine hundred dollars (\$900.00) 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 for violation of the ordinances of the town as hereinafter provided for.

(8) The mayor shall prescribe at the meetings of the council and perform such other duties as are prescribed by this charter and by 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 no right of 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 be ex officio a conservator of the peace within the town and within one mile of its corporate limits; and shall have jurisdiction to issue process for and try all cases for the violation of the town ordinances, subject to an appeal

to the Circuit Court of Scott County, and impose such punishment and/or fines as may be prescribed for violation of the same, and he shall have power to issue executions for all fines and costs imposed by him, or he may require an immediate payment thereof, and in default of such payment he may commit the defaulting party to the town jail or the Scott County jail until such fine and costs shall be paid, such commitment, however, not to be for more than twelve months. He may release persons accused or convicted of the violation of a town ordinance upon the giving of sufficient bail to be fixed by him. 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.

(9) The council shall, as soon as practicable after qualification, 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 council or is elected.

(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 on \$100 be made, except by a recorded affirmative vote of a majority of all 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 a year 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 for a term of two years. He shall attend the meetings of the council and keep its minutes and records and have charge of the corporate seal. 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 September or as soon as practicable thereafter, a town sergeant, who shall also be chief of police, and shall hold office for two years. 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) The council may appoint or elect such other officers as may be necessary, including a business manager for the town, and fix their salaries and define their duties. (1954, c. 583; 1973, c. 32)

§ 4.1. The council may appoint a person who need not be a resident of the town who is qualified to practice law in the Commonwealth of Virginia, who shall have jurisdiction to issue process for and try all cases for the violation of town ordinances, and who shall have the same powers and duties therein, and subject to the same limitations, as are given the mayor in § 4 (8) hereof. The council may provide for a reasonable compensation to be paid such officer. (1973, c. 347)

§ 5. Actions against Town

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, verified by the oath 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 this 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 120 days. And no such officers, agents, or employees of the town shall have authority to waive such conditions precedent or any of them. (1954, c. 583)

§ 6. 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, 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 said judgment shall have been rendered. (1954, c. 583)

§ 7. This act may be referred to or cited as the Weber City Charter of 1954. (1954, c. 583)