

PART I
CHARTER*

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***Editor's note**—Printed herein is Acts 1946, ch. 328, p. 544 et seq., as adopted by the General Assembly of Virginia, approved March 27, 1946. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

To provide a new Charter for the Town of Pearisburg, in the County of Giles, and to repeal the existing Charter of the town, and all other acts inconsistent with this act.

Be it enacted by the General Assembly of Virginia:

1.

Sec. 1. Body politic and corporate; corporate boundaries.

The inhabitants of the territory embraced within the present limits of the Town of Pearisburg, as hereinafter defined, or as the same may be hereafter altered or established by law, shall constitute and continue a body politic and corporate, to be known and designated as the Town of Pearisburg, and as such shall have and may exercise all powers which are now, or may hereafter be, conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia as fully and as completely as though all such powers were specifically enumerated herein. The territory embraced within the present limits of the Town of Pearisburg is described by metes and bounds as follows:

Beginning at an iron pipe stake in the center of a water oak stump, the same being the northern corner of "King Heights" subdivision and in a line of the land of D. W. Mason, then with Mason's lines, south 17 degrees 20 minutes east 1,578.25 feet to a white oak; thence south 6 degrees 58 minutes east 738.1 feet to an iron pipe stake in the northern right-of-way line of state highway number 8; thence crossing the highway and continuing the same direction, south 6 degrees 58 minutes east 1,263.2 feet to a hub in line of the Mistress Daisy Claypool land; thence with said line, south 35 degrees 46 minutes east 1,329.6 feet to an iron pipe stake 6.3 feet northeast of a red oak and 1.5 feet southwest of a dead red oak, a corner of the said Mistress Daisy Claypool land and the land of Frank Pack; thence with Pack, south 39 degrees east 774.3 feet to a post; thence south 79 degrees 44 minutes east 379.4 feet to the head of a spring; thence south 48 degrees 10 minutes east 137.25 feet to a nail and cap in road; thence south 56 degrees 10 minutes east 330 feet to a nail and cap in said road; thence south 11 degrees 10 minutes east 190.9 feet to an iron pipe stake in old road bed, a corner of the lands of Frank Pack and Arch Pack; thence with the latter, south 44 degrees 27 minutes west 1,364 feet to a post at draw bars in fence; thence south 89 degrees 16 minutes west 550.5 feet to an iron pipe stake in fence, 6 feet northward from a marked chestnut in a line of the land of Martha Santolla Williams; thence with her lines, north 12 degrees 5 minutes east 354.2 feet to an iron pipe stake in an old chestnut stump; thence north 80 degrees 50 minutes west 1,032.2 feet to an iron pipe stake 3 feet southward from a locust; thence north 17 degrees 5 minutes west 746.4 feet to a post 34 feet eastward from a large white oak; thence south 76 degrees 10 minutes west 2,988.8 feet to an iron pipe stake by the south side of a post, a corner of the land of Robert A. Johnston and Nannie Buchanan Ballard; thence with the latter, north 29 degrees west 371.6 feet to an iron pipe stake 1.5 feet west of an old black oak; thence with Ballard north 60 degrees 14 minutes east 1,178.9 feet to a post near a large white oak; thence north 17 degrees 42 minutes west 1,213.9 feet to a locust post, corner to the J. W.

Scott and Sam Tompson lands; thence approximately north 84 degrees west approximately 4,800 feet to an iron pipe stake; thence north 20 degrees east 4,350 feet, crossing state highway number 8 and on to a hub in a line between the Negro cemetery and the lands of Doctor H. G. Johnston; thence through the H. G. Johnston land and the James D. Johnston estate land, north 72 degrees 20 minutes east 2,354 feet to a locust hub in the Old Mill Road; thence north 67 degrees 20 minutes east 456 feet to a chestnut; thence north 12 degrees 35 minutes east 495 feet to a hub; thence north 57 degrees 50 minutes east 445 feet to a hub on a line of the land of F. W. Carper; thence with his line in part and in part with a line of the Stafford land, south 32 degrees 8 minutes east 1,716.5 feet to a fence post; thence through the Stafford land and the A. E. Shumate land south 76 degrees 14 minutes east 3,242 feet to the beginning.

Editor's note—As provided in Code of Virginia, § 15.1-836.2, the boundaries of a municipal corporation are to be incorporated by reference in the Charter.

Sec. 2. Vesting of administration and government; composition of council; compensation of councilmen.

The administration and government of the town shall be vested in a council which shall consist of seven members, six of whom shall be denominated the councilmen and one to be denominated the mayor, all of whom shall be residents and qualified voters of the town. Each councilman may receive a salary for his services as such, the amount thereof to be fixed by council, but in no event to be in excess of \$600.00 per year.

(Acts 1956, ch. 94; Acts 1973, ch. 91)

Editor's note—Code of Virginia, §§ 15.1-827 and 15.1-827.1, authorize the council to establish the amount of compensation of the mayor and councilmembers, notwithstanding the provisions of the Charter.

Sec. 3. Election and term of councilmen and mayor.

The councilmen and the mayor shall be elected by the qualified voters of the town on the first Tuesday in May, and the mayor shall be elected every four years beginning in 1974. Members of the council shall be elected for terms of four years; but upon the first assembling of the council elected in June 1950, the members thereof shall be divided into two equal classes to be determined by lot; and the terms of the members of the first class shall be two years and that of the members of the second class four years. Thereafter the terms of all the members of each class shall be four years. The present mayor and councilmen shall continue in office until the expiration of the terms for which they were respectively elected.

(Acts 1950, ch. 73; Acts 1973, ch. 91)

Sec. 4. Council meetings.

The council shall, by ordinance, fix the time for its regular meetings. Special meetings shall be called by the clerk of the council upon the written request of the mayor or any three councilmen. At least 12 hours' written notice shall be given to the other members of the council, of the purpose, place and time of any such special meeting. Special meetings may also be held

at any time without notice, provided all members of the council are present. No business shall be transacted at any such special meeting which is not stated in the notice calling the same, unless all members of the council attend the meeting or waive notice thereof.

Editor's note—The Virginia Freedom of Information Act (Code of Virginia, § 2.1-340 et seq.) provides that, with certain exceptions, all meetings must be public meetings, and that information as to the time and place of each meeting must be furnished to any citizen upon request. Code of Virginia, § 2.1-344, enumerates specific purposes for which executive or closed meetings are permissible.

Sec. 5. Reserved.

(Omitted in the original numbering.)

Sec. 6. Appointment, term, compensation, etc., of clerk, treasurer, town attorney, etc.; combination of offices.

The council shall appoint a clerk and a treasurer, and may appoint a town attorney and such other officers and create such boards and departments as it deems necessary or proper, and define their duties and functions. Such officers so appointed shall hold office during the pleasure of the council, shall give such bond as the council requires, and shall receive such compensation as the council prescribes. The same person may hold two or more of such offices, in the discretion of the council.

Sec. 7. Appointment, term, compensation, bond, powers and duties of sergeant.

The council shall appoint a sergeant who shall qualify as provided by law, and give bond in such amount as the council requires. The sergeant shall be 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 the same, as were formerly had and performed by constables. He shall perform such other duties and receive such compensation as the council prescribes, and shall hold office during the pleasure of the council.

Editor's note—Code of Virginia, § 15.1-796, authorizes a fixed term for the sergeant.

Sec. 8. Mayor as conservator of the peace; judicial power of mayor; appointment, qualifications, term, compensation, bond, powers and jurisdiction of police justice.

Editor's note—The text of this section (Acts 1946, ch. 328, § 8; Acts 1973, ch. 91; char. § 8) is omitted as obsolete. Code of Virginia, § 16.1-52 et seq., which formerly provided for municipal courts, was repealed by Acts 1972, ch. 708 and Acts 1973, ch. 546.

Code of Virginia, § 16.1-69.1 et seq. establishes a statewide system of judicial districts (Code of Virginia, § 16.1-69.6) consisting of full-time judges (Code of Virginia, § 16.1-69.6:1); and provides (in Code of Virginia, § 16.1-69.8(d)) the municipal court or other court "however called" having general civil and criminal jurisdiction in any town shall be abolished and all jurisdiction and power conferred upon any such court shall pass to the district courts of the county wherein the town is located; and provides (in Code of Virginia, § 16.1-69.48) that fines collected for violations of town ordinances shall be paid monthly into the treasury of the town; it is provided (in Code of Virginia, § 16.1-69.1) that all provisions of municipal Charters inconsistent therewith are repealed to the extent of such inconsistency.

Sec. 9. Powers of town and council generally.

In addition to and supplementary of the powers conferred upon towns and town councils by general law, the Town of Pearisburg and its council shall have the powers set forth in the following sections of this Charter.

Sec. 10. Certain powers of town enumerated—Waterworks and water supply; discontinuance of water service for default in payment for service.

The town is empowered to acquire, establish, enlarge, maintain and operate such waterworks and systems as the council deems necessary for the purpose of providing an adequate supply of water to consumers within the corporate limits of the town and within such adjacent territory as the council deems it expedient or proper to serve, at such rates as the council prescribes, provided that the rates charged consumers without the corporate limits shall not be less than, or more than double, the rates charged consumers within the town for similar services, any or all of which rates the council may alter at any time without notice.

The council may discontinue serving water to any consumer who defaults in payment for such service within the time prescribed by the council for the payment thereof, for so long as such default continues.

Sec. 11. Same—Sanitary sewer lines; discontinuance of sewer service for default in payment for service; acquisition of property, etc., for establishing, etc., sewer lines.

The town is empowered to establish, construct, enlarge, and maintain such sanitary sewer lines and systems as the council deems necessary or expedient, and to require owners or occupiers of real estate within the corporate limits of the town, which fronts or abuts on any such sewer line, to make connection with and use the same; and shall have power to assess and collect reasonable fees and rates for making sewer connections and for sewer service, of the reasonableness of which, the council shall be the sole judge; and sewer service may be discontinued for default in payment for such service within the time prescribed by the council for payment thereof, for so long as such default continues.

The town is empowered to acquire by condemnation or otherwise, such properties or interest or estate therein, either within or without its corporate limits, as the council deems necessary for the purpose of establishing, enlarging, maintaining or operating any such sewer line or lines.

Sec. 12. Same—Acquisition and sale of property and rights therein generally; playgrounds and other recreational facilities.

The town is empowered to acquire by condemnation or otherwise, property, real or personal, or any interest or estate therein, either within or without its corporate limits, for any of its proper purposes, including that of providing playgrounds, parks, golf courses and other recreational facilities, and to make reasonable charges for the use of such facilities, and to otherwise handle and deal with such properties in such manner as the council deems proper

or expedient; and shall have power to acquire by condemnation or otherwise, rights-of-way from the town to any property acquired by it under any of the provisions of this Charter, which lies without its corporate limits, and to construct and maintain upon such rights-of-way, such roads or bridges as may be reasonably necessary for the full enjoyment thereof; and shall also have power to sell such properties or any of them, or any other property owned by the town, whenever the council deems it expedient to do so.

Sec. 13. Same—Operation of motor vehicles carrying passengers or freight for hire; fares charged by taxicabs; motor traffic and parking of motor vehicles.

Insofar as not expressly prohibited by general law, the town is empowered to:

- (1) Control and regulate the operation upon its streets and alleys, of motor vehicles carrying passengers or freight for hire, and to require the owners or operators of such carriers to provide and maintain within the town, suitable terminals for the convenient loading and unloading of passengers and freight;
- (2) Regulate the fares to be charged by operators of taxicabs or other motor vehicles operating from established stands within the town, for carrying passengers within its corporate limits, and to require that the drivers of such vehicles be of such moral character as meets with the approval of the council; and
- (3) Prescribe rules and regulations with respect to motor traffic of all kinds, within the town, and the parking of motor vehicles on its streets and alleys.

Sec. 14. Same—Holding of shows, carnivals, etc., in town or within one mile of town; imposition, etc., of license taxes.

The town is empowered to:

- (1) Regulate the holding of shows, carnivals, fairs and other similar public exhibitions, or to prohibit the holding of same, or any of them, within its corporate limits or within one mile thereof;
- (2) Except as prohibited by general law, impose and collect a license tax for the privilege of doing within the town anything upon which the state imposes a license tax; provided that the town may, unless expressly prohibited by general law, impose a higher license tax on any such thing than that imposed by the state on the same thing, the amount of the license tax imposed by the town to be, in each instance, in the discretion of the council.

State law reference—Licensing of carnivals, circuses, speedways, Code of Virginia, § 58.1-3728.

Sec. 15. Same—Building code, safe, etc., construction of houses, etc., and construction standards; subdivision regulations generally.

The town is empowered to:

- (1) Provide a building code for the town, to provide for the orderly and safe construction of houses and other buildings, to prescribe setback lines on designated streets, [and] to designate standards to be observed in the construction of dwellings and business houses on designated streets and in designated sections; and

- (2) Adopt a comprehensive plan concerning the subdivision of lands within the corporate limits of the town or within two miles thereof; to require that plats of all such subdivisions shall, after having been approved by the council as hereinafter provided, be recorded in the clerk's office of Giles County; and the term "subdivision," when and as used in this Charter, means the division of a tract of land into five or more lots, with appropriate streets and alleys, and with the intention on the part of the owner of the land, of developing the same, or making it available for development by others, for residential and business purposes.

State law reference—Uniform Statewide Building Code which supersedes municipal building codes, Code of Virginia, § 36-98.

Sec. 16. Same—Damage to property; minors in poolrooms, etc.; compelling prisoners to work.

The town is empowered to:

- (1) Prohibit, and to punish for mischievous or wanton damage to school property or any other property, either public or private, within the town;
- (2) Prohibit minors from frequenting or loitering in public poolrooms, billiard parlors or bowling alleys, and prescribe punishment therefor, and to punish the proprietors of such places, or their agents in charge, for permitting the same;
- (3) Compel persons sentenced to confinement in jail for violations of town ordinances, to work on the streets or other public places of the town.

Sec. 17. Same—Encroachments upon streets, etc.

The town is empowered to prohibit encroachments upon the streets or alleys, or upon parks or other public places of the town by any fence, building, porch, or other projection, and to require the removal of any such encroachment heretofore or hereafter made, unless made with the consent and approval of the council, and to punish for any such encroachment hereafter made without such consent first obtained; and any such encroachment made without such consent shall be deemed a nuisance, of which the town may compel the abatement and removal by and through appropriate court action or proceeding, against which right of the town, no statute or limitation shall run.

Sec. 18. Same—Poles, wires, pipes, etc.

The town is empowered to permit and regulate, or to prohibit, the erection of poles and wires for electric, telegraph or telephone service or the laying of any kinds of pipes in the streets or alleys of the town, and to prescribe, assess and collect annual or other periodical charges for the doing of any such things under permits hereafter granted; and the power to require the owners or operators of any such electric light, telephone or telegraph lines to change the location of any of their poles whenever the council deems any such change expedient; and to require all wires or cables carrying electric current, whether heretofore or

hereafter installed, to be placed in suitable conduits, underground, in the discretion of the council; provided that none of the powers above enumerated shall be exercised in a manner inconsistent with the provisions of any franchise granted by the town.

Sec. 19. Same—Exercise of police power; ordinances, etc., to carry Charter powers into effect and punishment for violation of such ordinances; when ordinances to take effect.

The town is empowered to exercise all such police powers as the council deems reasonably necessary for the promotion and protection of the health, morals and safety of the inhabitants of the town, for the protection of the property of the town and its inhabitants, for the preservation of peace and good order, and for the general welfare; and the council is empowered to make ordinances and bylaws for the purpose of carrying into effect the enumerated powers conferred upon the town by this Charter, including police powers, and to prescribe punishments for violations thereof, provided that no such punishment shall exceed the maximum punishment prescribed by general law for a misdemeanor; and provided further, that all ordinances, bylaws and resolutions made and adopted by the council shall become effective 30 days after their passage, unless a different date is specified in any such ordinance, bylaw or resolution, upon which the same shall become effective.

Sec. 20. Town manager.

(a) The council may appoint a town manager who shall be the chief administrative officer of the town and shall be chosen solely on the basis of his executive and administrative qualifications, and shall have some knowledge of civil, mechanical and electrical engineering. He need not, when appointed, be a resident of the town, or of the State of Virginia, but shall during his term of office, reside within the corporate limits of the town, and shall be appointed for such term as he and the council agree upon, not to exceed two years, but in any event, to end with the term of the council making the appointment. The town manager may be suspended or removed by the council for any cause it deems sufficient, provided that no order of suspension or removal shall be made until after he shall have been given at least five days' notice in writing, stating the cause for such suspension or removal and fixing a day when he may be heard thereon. The action of the council, suspending or removing the town manager, shall be final.

The council may place the control and supervision of the police force of the town under either the mayor or the town manager.

(b) Except as otherwise provided in this Charter, the town manager may, with the consent of the council, appoint or employ, and remove or discharge, such officers, employees and assistants as he deems necessary to carry on the work of such departments of the town as are committed to him by the council, in all their respective details, in an economical and satisfactory manner. The salary or compensation, and the terms of office or employment of

such officers, employees and assistants shall be fixed by the town manager, subject to approval by the council; and his actions in all respects shall be subject to review by the council, and he shall be accountable to the council only.

Sec. 21. Further provisions as to subdivisions.

No plat of any subdivision within the corporate limits of the town or within two miles thereof shall be recorded in the clerk's office of Giles County unless and until it shall have been approved by the council, and the council shall not approve any plat of any such subdivision unless the streets, alleys or other roadways provided for therein are of such widths and grades and are so located as to, in the opinion of the council, meet the probable traffic needs in the reasonably near future. Before approving any such plat, the council may, in its discretion, require the owner of the land so subdivided to enter into an agreement in writing, and to give satisfactory security for the performance thereof, to the effect that he will, when and as the same becomes necessary, grade and surface the streets, alleys or roadways shown thereon, in such manner as to meet with the approval of the council.

The approval of any such plat by the council shall not be construed or held to impose any obligation upon the town to grade or surface such streets, alleys, or roadways unless and until the same is, in the opinion of the council, for the best interest and general welfare of the town and its inhabitants.

Sec. 22. Continuation of ordinances in effect.

All ordinances now in force in the Town of Pearisburg, not inconsistent with this Charter, shall be and remain in full force and effect until altered, amended or repealed by the council of the town, after the effective date of this Act.

2.

Chapter 63 of the Acts of Assembly of 1932, approved February 27, 1932, which provided a new Charter for the Town of Pearisburg, and all acts amendatory thereof, are hereby repealed; and all other acts and parts of acts inconsistent with any of the provisions of this Act, are hereby repealed to the extent of such inconsistencies.

3.

An emergency exists and this Act is in force from its passage.

CHARTER COMPARATIVE TABLE

ACTS

This table shows the location of the sections of the basic Charter and any amendments thereto.

Year	Chapter	Section	Section this Charter
1946	328	1—22	1—22
1950	73		3
1956	94		2
1973	91		2, 3