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HOUSE BILL NO. 1743

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on February 5, 1999)

(Patron Prior to Substitute—Delegate Phillips)

A BILL to amend and reenact §§ 3 and 5A of Chapter 24 of the Acts of Assembly of 1936, which provided a charter for the Town of Haysi in Dickenson County, relating to penalties and term of the mayor.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3 and 5A of Chapter 24 of the Acts of Assembly of 1936 are amended and reenacted as follows:

§ 3. The ~~said~~ town of Haysi shall have the following powers, to the extent that they, or any of them, ~~may are not be~~ prohibited or limited by general law or by the Constitution of Virginia or the United States Constitution:

(a) ~~To raise~~ *Raise* annually, by taxes and assessments in ~~said the~~ town, such sums of money as the council thereof ~~shall deem~~ *deems* necessary for the purposes of ~~said the~~ town, in such manner as ~~said the~~ council ~~shall deem~~ *deems* expedient ~~in accordance with the Constitution of Virginia and of the United States.~~

(b) ~~To levy~~ *Levy* and collect taxes, and assessments on persons, property, subject to local taxation, privileges, amusements, ~~business~~ *businesses*, professions, and occupations; ~~to~~ issue licenses for the conduct or operation of privileges, amusements, business, professions, and occupations; ~~to and~~ make and collect charges and fees therefor.

(c) ~~To impose~~ *Impose* special or local assessments for local improvements and ~~to~~ enforce payment thereof; ~~subject to such limitations prescribed by the Constitution and laws of Virginia as may be in force at the time of the imposition of such special or local assessments.~~

(d) ~~To contract~~ *Contract* debts, borrow money and make and issue evidences of indebtedness, and have a common seal.

(e) ~~To expend~~ *Expend* the money of the town for all lawful purposes.

(f) ~~To acquire~~ *Acquire* by purchase, gift, devise, condemnation or otherwise, property, real or personal, or any estate therein, within or without the town, for any of the purposes thereof; and ~~to~~ hold, improve, sell, lease, or mortgage the same or any part thereof, including any property now owned by the town.

(g) ~~To construct~~ *Construct*, maintain, regulate and operate public improvements of all kinds, including municipal and other buildings, grounds and structures necessary or appropriate for the use and proper operation of the various departments of the town.

(h) ~~To own~~ *Own*, operate, and maintain ~~water works~~ *waterworks*, and ~~to~~ acquire in any lawful manner, in any county of the *State Commonwealth*, or from the United States government, such water, lands, proper rights and riparian rights as the council of ~~said the~~ town ~~may deem~~ *deems* necessary for the purpose of providing an adequate water supply to ~~said the~~ town, and of piping or conducting the same; ~~to~~ lay all necessary mains and service lines within and without the corporate limits of ~~said the~~ town; ~~to~~ erect and maintain all necessary dams, pumping stations and other works in connection therewith; ~~to~~ make reasonable rules and regulations for promoting the purity of its ~~said~~ water supply; and for protecting the same from pollution, and for this purpose ~~to~~ exercise full police powers and sanitary patrol over all lands comprised within the limits of the water shed tributary to any such water supply, wherever such lands may be located in this *State Commonwealth*; ~~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 Commonwealth* all powers of eminent domain provided by the laws of this *State Commonwealth*.

(i) ~~To own~~ *Own*, operate, and maintain electric light and gas works either within or without the corporate limits of ~~said the~~ town, and ~~to~~ supply gas and electricity, whether ~~the same be~~ *they are* generated or purchased by ~~said the~~ 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 may be prescribed; ~~and;~~ to that end, it may contract to purchase electricity and gas from the owners thereof upon such terms as it ~~may deem~~ *deems* expedient.

(j) ~~To establish~~ *Establish*, impose, and enforce the collection of water, light, gas, and sewerage rates, and rates and charges for other services, products, or conveniences operated or furnished by the town; and ~~the said council may~~ prescribe a different rate to be paid for such services and conveniences rendered to users or customers without the corporate limits from the charges made to those within the

60 corporate limits of ~~said~~ the town.

61 (k) ~~To establish~~ *Establish*, enter, open, widen, extend, grade, improve, construct, maintain, light,
62 sprinkle and clean public streets, highways, alleys, parkways and parks, and ~~to~~ alter or close the same;
63 ~~to~~ regulate the weight of loads to be hauled or carried over and upon the streets; ~~to~~ regulate the use of
64 all such highways, parks, streets, alleys, parkways, and public grounds; ~~to~~ prevent the obstruction and
65 destruction, and injury to, any of such streets and highways; ~~to~~ require any railroad company operating a
66 railroad at the place where any highway or street is crossed within the town limits to erect and maintain
67 at such crossing any style of gate deemed proper; and keep a man in charge thereof, or keep a flagman
68 at such crossing during such hours as the council may require in accordance with the general law of the
69 *State Commonwealth*, and ~~to~~ regulate the length of time such crossings may be closed due to any
70 operations of the railroad; ~~to~~ regulate the operation and speed of all cars and vehicles upon ~~said~~ the
71 streets and highways, as well as the speed of all engines, cars, and trains of railroads within the town; ~~to~~
72 ~~and~~ permit or prohibit poles and wires for electric, telephone and telegraph purposes to be erected; and
73 gas lines to be laid in the streets and alleys, ~~and~~ ~~to~~ prescribe and collect an annual charge for such
74 privilege hereafter granted; ~~to~~ ~~and~~ require the owner or lessee of any electric light, telephone or
75 telegraph pole or poles or wires now in use or hereafter erected to change the location or move the
76 same, *if necessary*.

77 (l) ~~To acquire~~ *Acquire* by gift, purchase, or by the exercise of the power of eminent domain within
78 this *State Commonwealth*, land or any interest or estate in lands, rock quarries, gravel pits, sand pits,
79 water and water rights, and the necessary roadways thereto, either within or without the town; ~~and~~;
80 acquire and install machinery and equipment and build the necessary roads and tramways thereto; and
81 operate the same for the purpose of producing materials required for any and all purposes of the ~~said~~
82 town.

83 (m) ~~To establish~~ *Establish*, construct, and maintain sanitary sewers, sewer lines, and cisterns and ~~to~~
84 require the abutting property owners to connect therewith; ~~and~~ ~~to~~; establish, construct, maintain, and
85 operate sewerage disposal plants, and ~~to~~ acquire by condemnation or otherwise, within or without the
86 town, all lands, rights of way, and other rights and easements necessary for the purposes aforesaid; and
87 ~~to~~ charge and collect reasonable fees and assessments or costs of service for connecting with and using
88 the same.

89 (n) Subject to the provisions of the Constitution of Virginia and ~~of~~ this charter, ~~to~~ grant franchises
90 for public utilities.

91 (o) ~~To collect~~ *Collect* and dispose of sewerage, offal, ashes, garbage, carcasses of dead animals and
92 other refuse; and ~~to~~ make reasonable charges therefor; ~~to~~ acquire and operate reduction or other plants
93 for the utilization or destruction of such materials, or any of them; and ~~to~~ contract for ~~and~~, regulate ~~and~~
94 ~~collect for the disposal thereof, and~~ ~~to~~, require and *regulate collect for* the disposal thereof.

95 (p) ~~To compel~~ *Compel* the abatement of all nuisances within the town, or upon property owned by
96 the town beyond its limits, at the expense of the person or persons causing the same, or of the owner or
97 occupant of the ~~ground~~ *grounds* or premises whereon the same may be, and ~~to~~ collect ~~said~~ the expense
98 by suit or motion; or by distress and sale; ~~to~~ require all lands, lots and other premises within the town
99 to be kept clean and sanitary and free from stagnant water, weeds, filth, and unsightly deposits, or ~~to~~
100 make them so at the expense of the owners or occupants thereof, and ~~to~~ collect ~~said~~ the expense by suit
101 or motion; or by distress and sale; ~~to~~ regulate or prevent slaughter houses or other noisome or offensive
102 business within the ~~said~~ the town, the keeping of hogs, or other animals, poultry or other fowl therein,
103 or the exercise of any dangerous or unwholesome business, trade, or employment therein; ~~to~~ regulate the
104 transportation of all articles through the streets of the town; ~~to~~ compel the abatement of smoke and dust,
105 and prevent unnecessary noise; ~~to~~ regulate the location of stables and the manner in which they shall be
106 kept ~~and~~ constructed; ~~to~~ regulate the location, construction and operation and maintenance of billboards;
107 ~~to~~ provide how, when, and under what conditions awnings may project over the streets and sidewalks
108 from buildings, and sidewalks ~~may be~~ used for advertising and ~~display~~ *displaying* signs and
109 merchandise; ~~to~~ generally define, prohibit, abate, suppress, and prevent all things detrimental to the
110 health, morals, aesthetics, safety, convenience, and welfare of the inhabitants of the town; and ~~to~~ require
111 all owners or occupants of property having sidewalks in front thereof to keep the same clean and
112 sanitary, and free from all weeds, filth, unsightly deposits, ice, or snow.

113 (q) ~~The council may, in its discretion, appoint~~ *Appoint* a board of health for the town and invest it
114 with authority for the prompt and efficient performance of its duties.

115 (r) ~~To inspect~~ *Inspect*, test, measure, and weigh any commodity or article of consumption for use
116 within the town, and ~~to~~ establish, regulate, license, and inspect weights, meters, measures and scales.

117 (s) ~~To extinguish~~ *Extinguish* and prevent fires, and ~~to~~ establish, regulate, and control a fire
118 department or division; ~~to~~ regulate the size, heights, materials and construction of buildings, fences,
119 walls, retaining walls and other structures hereafter erected, in such manner as the public safety and
120 conveniences may require; ~~to~~ remove, or require to be removed or reconstructed, any building, structure
121 or addition thereto, which by reason of dilapidation, defect of structure, or other causes, may have

become dangerous to life or property, or which may be erected contrary to law; ~~to~~ establish and designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed to, added to, enlarged, or repaired, and ~~to~~ direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and ~~may~~ enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

(t) ~~To charge~~ *Charge* and ~~to~~ collect fees for permits to use public facilities and for public service and privileges. ~~Said~~ *The* town shall have the power and right to charge a different rate for any service rendered or convenience furnished to citizens without the corporate limits from the rates charged for similar service to citizens within the corporate limits.

(u) ~~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 said town from without the same; and also to expel therefrom any such person who has been in said town less than twelve months.~~

(v) ~~To provide~~ *Provide* in or near the town lands to be used as burial places for the dead; providing land for the same may be secured; ~~otherwise to or~~ provide same as near as may be to the town; ~~to~~ improve and care for the same and the approaches thereto; and ~~to~~ charge for and regulate the use of ground therein; and to provide for the perpetual upkeep and care of any plot or burial lot therein, ~~the town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income therefrom used in and about the perpetual upkeep and care of the said lot or plot, for which the said donation, gift, or bequest shall have been was made.~~

(w) ~~To exercise~~ *Exercise* full police powers and establish and maintain a department or division of police.

(x) ~~To restrain~~ *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; ~~to and prevent and punish lewd, indecent and disorderly exhibitions in said the town; and to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.~~

(y) ~~To license~~ *License* and regulate the holding and location of shows, circuses, public exhibitions, carnivals and similar shows or fairs, or prohibit the holding of ~~the same or any of them~~ within the town; ~~to~~ require every owner of a motor vehicle residing in ~~said the~~ town, on a date to be designated by the council, to annually register such motor vehicle and obtain a license to operate ~~the same it~~ by ~~making application applying~~ to the treasurer of ~~said the~~ town, and ~~to~~ require ~~said the~~ owner to pay an annual license fee therefor, to be fixed by the council, but ~~said the~~ license fee shall not exceed the amount charged by the ~~State Commonwealth~~ on ~~said the~~ machine.

(aa) ~~To do~~ *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.

(bb) ~~To prescribe~~ *Prescribe* any penalty for the violation of any town ordinance, rule or regulation; ~~or of any provisions of this charter, not exceeding five hundred dollars, or twelve months' imprisonment in jail, or both any penalty established by the Commonwealth for a similar offense.~~

(cc) ~~To prohibit~~ *Prohibit* and punish mischievous, wanton, or malicious damage to school property, public property, and private property.

(dd) ~~To prohibit~~ *Prohibit* and punish minors frequenting, playing in, or loitering in any public poolroom, billiard parlor or ~~tenpin~~ *ten-pin* alley, and ~~to~~ punish any proprietor or agent thereof for permitting same.

(ee) ~~To pass~~ *Pass* and enforce all by-laws, rules, regulations and ordinances which it ~~may deem~~ *deems* necessary for the good order and government of the town, the management of its property, the conduct of its affairs, ~~and~~ 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 laws, as may be necessary or proper to carry into full effect, all power, authority, capacity, or jurisdiction; which is or shall be granted to or vested in ~~said the~~ town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation.

~~The town may maintain~~ (ff) *Maintain* a suit to restrain by injunction the violation of any ordinance, ~~notwithstanding even though~~ punishment may be provided for the violation of such ordinance.

§ 5A. ~~The term of office of the mayor and councilmen in office at the time of the passage of this act shall terminate on July 1, 1980.~~ At the regular municipal election to be held on the first Tuesday in May, 1980, six councilmen shall be elected. ~~Each of~~ *The* three members receiving the highest number of votes in such election shall serve as members of the council for terms of four years each. The remaining three members shall serve for terms of two years each. At the regular municipal election to be held on the first Tuesday in May, 1982, and every two years thereafter, three councilmen shall be elected each for a term of four years. All terms shall begin on the first day of July next following the election. Each councilman shall serve until his successor ~~shall have~~ *has* been elected and qualified. The council shall

183 be a continuing body, and no measure pending before such body shall abate or be discontinued by
184 reason of expiration of term of office or removal of any of its members.

185 At the regular municipal election to be held on the first Tuesday in May of ~~1980~~2000, and every ~~two~~
186 *four* years thereafter, the qualified voters shall elect a mayor to serve for a term of ~~two~~ *four* years or
187 until his successor ~~shall have~~ *has* been elected and qualified. The mayor shall take office the first day of
188 July next following his election.