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HOUSE BILL NO. 1986

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact § 3 of Chapter 583 of the Acts of Assembly of 1954, which provided a charter for the Town of Weber City, relating to town powers.

Patron—Kilgore

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 3 of Chapter 583 of the Acts of Assembly of 1954 is amended and reenacted as follows:****§ 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) To impose a tax not exceeding one dollar per annum upon all persons residing in said town above the age of twenty-one years, not exempt from the payment of State capitation tax. *[Repealed]*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

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59 the dead, whether said land had been heretofore used or not, as well as all contracts and agreements
60 made with any person or persons for perpetual care and maintenance, are hereby declared valid.

61 (11) To collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals, and other
62 refuse, and make reasonable charges therefor; to acquire and operate reduction or any other plants for
63 utilization and disposal of such material; to contract for or regulate the collection and disposal thereof,
64 and to require the collection and disposal thereof and to acquire land within or without the town for said
65 purpose.

66 (12) To inspect, test, measure and weigh any commodity or commodities or articles of consumption
67 for use within the town; and to establish, regulate, license and inspect weights, meters, measures and
68 scales.

69 (13) To license and regulate the holding and location of shows, circuses, public exhibitions,
70 carnivals, and other similar shows or fairs, or prohibit the holding of the same, or any of them within
71 the limits of the town or within one mile thereof.

72 (14) To construct, purchase, maintain, regulate and operate public improvements of all kinds,
73 including municipal and other buildings, armories, markets, and all buildings and structures necessary or
74 appropriate for the use and proper operations of the various departments of the town; and to acquire by
75 condemnation or otherwise all lands, riparian and other rights and easements necessary for such
76 improvements, or any of them.

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

90 (16) In addition to the parks and playgrounds above provided for, the said town may also acquire by
91 purchase, gift, or devise, and operate parks, playgrounds and public grounds without the corporate limits
92 of the town, and may place on the same either within or without the town stadia, swimming pools,
93 recreation and amusement buildings, structures or enclosures of every character and charge admission
94 thereto, and may rent out or lease the privileges of the same.

95 (17) To establish, impose and enforce the collection of water and sewage rates, and rates and charges
96 for public utilities, or other services, products, or conveniences, operated, rented, or furnished by the
97 town; and to assess, or cause to be assessed, after reasonable notice to the owner or owners, water and
98 sewage rates and charges directly against the owner or owners of the building, or against the proper
99 tenant or tenants; and may by ordinance require a deposit of such reasonable amount as it may prescribe
100 before furnishing such service either to owner or tenant.

101 (18) To establish, construct, and maintain sanitary sewers, sewer lines and systems, and to require
102 abutting property owners to connect therewith; to establish, construct, maintain, and operate sewage
103 disposal plants, and to acquire by condemnation or otherwise, within or without the town limits, all land,
104 rights-of-way, riparian and other rights and easements necessary for said purpose, and to charge and
105 assess and collect reasonable fees, rentals, assessments or costs of service for connecting with and using
106 the same.

107 (19) To require every owner of motor vehicles residing in the said town, on a date to be designated
108 by the council, to annually register such motor vehicles and to obtain a license to operate the same by
109 making application to such person as may be designated by the council of said town to issue said
110 license, and to require the said owner to pay an annual license fee therefor to be fixed by the council;
111 provided that such license fee shall not exceed that charged by the State on such machines.

112 (20) Insofar as not prohibited by the general law of the State, to control, regulate, limit and restrict
113 the operations of motor vehicles carrying passengers for hire upon the streets and alleys of the town; to
114 regulate the operation of motor vehicles upon the streets; to regulate the routes in and through the town
115 to be used by motor vehicle carriers operating in and through said town and to prescribe different routes
116 for different carriers; to prohibit the use of certain streets by motor trucks; and generally to prescribe
117 such regulations respecting motor traffic and parking therein as may be necessary for the general welfare
118 and safety.

119 (21) To prevent the riding or driving of horses or other animals at an improper speed; to prevent the
120 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

182 within the said town; to prevent and punish lewd, indecent, and disorderly exhibitions in said town. To
183 prohibit and punish gambling and betting, disturbances of the peace, disorderly conduct, and public
184 swearing and cursing, within the said town.

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

187 (34) ~~To prohibit persons under 18 years of age from and punish them for frequenting, playing, or~~
188 ~~loitering in any public poolroom, billiard parlor, or bowling alley, and to punish any proprietor or agent~~
189 ~~thereof for permitting same. [Repealed]~~

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

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

192 (37) To compel persons sentenced to confinement in the jail of the town for any violation of the
193 laws or ordinances of the town to work on the public streets, parks, or other public works of the town;
194 and on the requisition of the mayor it shall be the duty of the sergeant of the town to deliver such
195 persons to the duly authorized agent of the town for such purposes from day to day as they may be
196 required. For the purpose of carrying into effect the police regulations of the town, the town shall have
197 the use of the county jail of Scott County for the safe keeping and confinement of all persons who shall
198 be sentenced to imprisonment under the ordinances of said town.

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

201 (39) To pass and enforce all bylaws, rules, regulations, and ordinances which it may deem necessary
202 for the good order and government of the town, the management of its property, the conduct of its
203 affairs, the peace, comfort, convenience, order, morals, health and protection of its citizens and their
204 property, and to do such other things and pass such other laws as may be necessary or proper to carry
205 into full effect all powers, authority, capacity or jurisdiction, which is or shall be granted to or vested in
206 said town, or in the council, court or offices thereof, or which may be necessarily incident to a
207 municipal corporation.

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

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

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

215 (43) To make and adopt a comprehensive plan for the town, and to that end all plats and replats
216 hereafter made subdividing any land within the town or a mile of its corporate limits into streets, alleys,
217 roads, and lots or tracts shall be submitted to and approved by the council before such plats or replats
218 are filed for record or recorded in the office of the Clerk of Scott County.

219 (44) To own, operate and maintain electric light and gas works, either within or without the
220 corporate limits of the town and to supply electricity and gas, whether the same be generated or
221 purchased by said town, to its customers and consumers both within and without the corporate limits of
222 the said town, at such price and upon such terms as it may prescribe, and to that end it may contract for
223 and purchase electricity and gas from the owners thereof upon such terms as it may deem expedient.

224 (45) To regulate, permit or prohibit poles and wires for electric, telephone, and telegraph purposes
225 erected or to be erected and gas pipes to be laid in the streets and alleys of the town; to require the
226 owner or lessee of an electric light, telephone, or telegraph pole, or poles, or wires, now in use or
227 hereafter erected, to change the location of or move the same.

228 (46) To provide by ordinance for a system of meat and milk inspection, and appoint milk and meat
229 inspectors, agents, or officers to carry the same into effect; to license, regulate, control, and locate
230 slaughter houses within the corporate limits of the town; and for such services of inspection to make
231 reasonable charges; and to provide reasonable penalties for the violation of such ordinances.

232 (47) To establish, organize, administer, or contribute to the support of public schools and libraries,
233 subject to the general laws establishing a standard of education for the State.

234 (48) The enumeration of particular powers by this charter shall not be deemed to be exclusive, and
235 in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such
236 powers, it is intended that the town council shall have and may exercise all powers which, under the
237 Constitution and laws of this State, it would be competent for this charter specifically to enumerate.