

Chapter A500

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[The Charter of the Town of Mineral was reenacted on April 1, 1972, and this Charter is retained in the Code for historical purposes only.]

§ 1. Town incorporated.

Be it enacted by the general assembly of Virginia, that the Town of Mineral, in the County of Louisa, as the same has been or may be laid off into lots, streets, and alleys, shall be, and the same is hereby, made a town corporate by the name of Mineral, and by that name shall have and exercise all the powers, rights, privileges, and immunities and be subject to all the provisions of chapter forty-four of the Code of Virginia of eighteen hundred and eighty-seven, so far as the same relates to towns of less than five thousand inhabitants and are not in conflict with the powers herein conferred.

§ 2. Boundaries.

The boundaries of said Town of Mineral shall be as follows: The plot of said town as of record in the clerk's office of Louisa County in deed-book eleven, page six hundred and four, with the eastern boundary extended to the "old Tollersville" road: thence along the south side of said road until crossing a point and making a corner with the western boundary of the Mineral City tract, extended.

§ 3. Officers of town designated: powers of mayor generally: trial of cases before mayor or mayor and councilmen; vacancy in office of mayor.

The officers of said Town of Mineral shall consist of a mayor and six councilmen, four of whom shall constitute a quorum to transact business, who shall hold office for two years, and until their successors shall be duly elected according to law and have qualified, and all the corporate powers of said town shall be exercised by said council under its authority, except where otherwise provided by law or delegate, as provided in its Charter of Incorporation. The mayor shall preside over meetings of the council, and shall act as trial judge, in cases coming before him, and shall have the right to select two councilmen to sit with him, if he so desires, in the trial of any case, in which event the mayor and two councilmen so selected shall constitute the court and the decision of any two of said court shall be the decision of the court. The mayor shall also have power and authority, in his discretion, to refer any case which comes before him to any justice of the peace of Louisa County whom he may select, which said justice shall have power and authority to hear and decide said case in all respects as the mayor could or would have if it were being heard by said mayor. Nothing in this Act is intended to require a justice of the peace to perform such service, but the same shall be agreed to by said justice so selected. In the event of the death, resignation or removal of the mayor the council shall have a right to elect, from their own number, or from the qualified citizens and voters of said town a mayor to fill the unexpired term, who shall be vested with all the rights, powers, duties and responsibilities as though he had been duly and regularly elected and qualified. (As amended 1927 ex. sess., ch. 102, § 1.)

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§ 4. Adoption of ordinances; authority to levy taxes: limitation on tax rate.

The council shall have the power to pass all ordinances and bylaws, for the government of the town, amend or repeal the same, which they may deem proper, not in conflict with the Constitution and laws of this state or the United States, and may levy such tax as they may deem necessary on real and personal property, not exceeding fifty cents on the hundred dollars and fifty cents capitation tax on all inhabitants over twenty-one years of age; provided, however, that the total tax rate to be paid by the landowners within the corporate limits for all purposes shall not exceed the tax paid by landowners in Louisa County, Virginia, in Mineral Magisterial District thereof. (As amended 1927 ex. sess., ch. 102, § 1.)

§ 5. Raising of revenue; appointment, compensation, duties, bonds and removal of appointive officers.

The said council shall have power to assess and tax real or personal property, including that omitted in state assessment within the town; levy taxes, impose license, and collect the same; to elect a treasurer, a clerk, a sergeant, an assessor, and any other officers they may deem necessary for the town, and to regulate their compensation, prescribe their duties, remove them from office, and require bonds, with approved security, for the faithful performance of their respective duties.

§ 6. Sale, etc., of real estate for delinquent taxes.

The council may order and require real estate in the town delinquent for corporation taxes to be rented or sold by the sergeant at public auction for the amount of unpaid taxes, with interest thereon at six per centum and charges, and the surplus shall be paid to the owner, and they may regulate the terms on which real estate so delinquent may be rented, sold, or redeemed.

§ 7. Licensing authority.

Whenever anything for which a state license is required is to be done within the said town; the council may require a town license for the same, also for any wheel vehicles kept for hire, and may impose a tax thereon for the use of the town, and subject the same to such regulations as they may deem proper.

§ 8. Powers of town generally.

The council shall have power to mark accurately the boundaries of existing streets or alleys, and to alter, change or close the same: to lay off new streets, alleys or sidewalks and keep the same in order, or to make any other improvements for which purpose; the council of said town shall have the same powers and privileges for condemning land for streets, alleys and sidewalks as circuit courts for condemning land for roads in the county; to provide and protect shade trees; to regulate or prohibit the running at large of animals in the limits of the corporation, or to forbid any animals being kept in town if dangerous to the public health or safety; to establish a fire

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department, with suitable equipment, quarters and supervision; to regulate and fix fire limits in the said town within which no building shall be erected without the consent of the council unless the outer walls thereof be of brick, stone, concrete or some other incombustible material; to make contracts for lights or water supply for the town, or to arrange for, install and operate a water and light equipment for said town; to forbid riding or driving of horses or other animals at an improper or dangerous speed along the streets: to regulate the operation of automobiles, trucks, motorcycles, or any other motor-driven vehicle over the streets of the town, but such regulation shall not be in conflict with state laws on subject, and the parking of same along the streets of the town; to prevent the engaging in any sports or employments on the streets or sidewalks of the town which are dangerous or annoying to the citizens; to regulate the sale and use of gunpowder, dynamite or fire explosives in the town, and to prohibit, regulate or restrict the storing of any explosive in the town, or in close proximity to any building or structure in said town by preventing, through regulation, restriction or prohibition, of the storing or use of such explosive in close proximity to the corporate lines of said town: to restrict and punish vagrants, drunkards, street beggars, and persons coming into the town without any visible means of support; to impose fines for misdemeanors, the carrying of concealed weapons and the illicit sale of ardent spirits and all fines imposed for the violation of such offenses, which shall occur within the corporate limits of said town, shall belong to said town, except where it is otherwise expressly prescribed by general law: to prevent vice and immorality; to suppress houses of gambling and ill fame; to preserve peace and good order; to condemn and have removed unsafe buildings: to require sufficient means of exit for houses used for the assemblage of the public; to erect such buildings as may be necessary for town purposes: to make regulations in reference to contagious diseases: to abate and remove, or have removed nuisances; to provide for order and observance of the Sabbath; to punish violations of the ordinances and bylaws of the town with fine or imprisonment in the lock-up of said town, and to provide for the working of persons confined in said lock-up to labor on the streets or the public works of said town; to confine persons convicted of the violation of town ordinances or bylaws in the county jail, at the expense of said town. The said corporation by its Charter shall not be deemed, nor shall it be entitled to any ownership or control of any mineral under the streets and avenues thereof, nor shall the corporation in any way interfere with said mineral. (As amended 1927 ex. sess., ch. 102. § 1.)

§ 9. Use of county jail.

For the purpose of carrying into effect the police regulations of said town, the said town shall be allowed the use of the Louisa County jail for the safekeeping and confinement of all persons who may be arrested or sentenced to imprisonment under the bylaws and ordinances of said town, and the sergeant of said town, or any special policeman thereof, may convey any person arrested or sentenced to jail, and the jailer of said county shall receive such persons in the same manner as if such person or persons were committed by a justice and delivered to said jailer by a constable of the county; provided, that all persons committed to said jail for violations of the ordinances of said town shall be kept in said jail at the cost and expense of said town.

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§ 10. Powers of mayor—Generally.

The mayor shall be president of said council, and shall have all the rights, powers, and privileges such office confers under the general laws governing towns within this state, and shall be invested with all the powers of a justice in civil and criminal matters within the limits of said town and one mile beyond said limits, and all fines or penalties for violations of the ordinances or bylaws of said town shall be recovered before or enforced under the judgment of the mayor, and for that purpose he may issue process as a justice and be entitled to the same fees as a justice for like service.

§ 11. Same—To preside over council; authority to decide the votes; appointment of special policemen; vacancies in office of mayor or councilmen to be filled by council.

The mayor shall preside at the meetings of the council, and when they are equally divided, shall give the deciding vote, and he may appoint special policemen when, in his judgment, it is best for the peace and good government of said town. Any vacancy that may occur in the office of mayor or councilman shall be filled by the council.

§ 12. Powers and duties of town sergeant, special policemen and town treasurer.

The sergeant of said town shall be conservator of the peace, and shall be vested with full power of a constable within the limits of the town, and also have power to arrest offenders within one mile of the town limits for offenses committed within the town or against its bylaws and ordinances, and shall have all the powers given to special policemen under section thirty-nine hundred and twenty-seven. Code of Virginia, eighteen hundred and eighty-seven, and shall be entitled to same fees as constable for like services. The town sergeant, or any special policeman appointed by the mayor, is hereby authorized and empowered to arrest, without warning, any person or persons seen by them at the time of the arrest engaged in making an affray, committing a breach of the peace, talking in a loud and offensive manner, treating cruelly any animal, riding or driving at a dangerous speed through the town, or over its streets, or doing any act in violation of an ordinance of the town which tends to, or is a breach of the peace or disturbs the security of the person or property of the citizens of the town. The treasurer of the town shall collect the town taxes and licenses and shall have power to levy and sell for collection as is given county treasurers. (As amended 1927 ex. sess., ch. 102, § 1.)

§ 13. Issuance of arrest warrants.

Every process for the arrest of a person charged with an offense committed within the limits of the town against its ordinances, or the bylaws of said town, shall be issued by the mayor, a justice of the peace to whom the matter is referred by the mayor, or in the absence of the mayor, his inability to act on account of sickness, absence or otherwise, by any two members of the town council, who in such case, shall have power to refer a case to a justice of the peace as could the mayor, or if not referred, shall have power to sit and try such case, with all the powers of mayor, where he mayor is incapacitated as above, or when the office is vacant. All process

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shall be directed to the sergeant or any special policeman of the town, to be executed. (As amended 1927 ex. sess., ch. 102, § 1.)

§ 14. Residents exempt from county road tax: duty to provide for poor persons.

The said town and the property and persons therein residing shall be exempt and free from the payment of any district or county road tax, and for working on public roads outside of said town, shall keep its own streets in order and provide for its own poor, and shall not be embraced in any road district in the said County of Louisa.

§ 15. Qualifications of voters.

Any person entitled to vote in the County of Louisa, and who has resided within said town for three months previous to any election, shall be entitled to vote at all town elections; provided, said persons offering to vote shall be duly registered in the town as provided by law.

§ 16. Judges of election and registrar.

The council of said town shall appoint all judges of town elections, and a registrar from among the voters of said town at least thirty days before an election, and they shall take the oath to discharge faithfully the duties of their respective offices before any officer authorized to administer an oath.

§ 17. Elections to be held in accordance with state law; certificates of election; council to decide tie votes.

The elections shall be held in accordance with the laws of this state, and the judges shall count the ballots and certify to the council within two days after the names of persons for whom votes were cast, with the ballots for mayor and councilmen. The clerk shall, on the order of the council, immediately thereafter make out and deliver to the mayor and each councilman a certificate of his election as it appears from the return of the judges and clerks of election. In the event of a tie in the vote of any office, the council shall decide.

§ 18. Oath of office of officers: authority to employ business manager: authority to establish finance committee.

All officers of said town shall take oath of office, prescribed by law, before a notary or some other officer authorized to administer oaths, before entering upon the discharge of duty, and the council of said town, after organizing, should they so desire and think advisable, are authorized and empowered to employ a business manager to look after all the business of the town and to delegate to such business manager such of the powers of the council as they may deem wise and expedient, said manager to be responsible to the council and shall hold office at the will and pleasure of said council. Should the council see fit they may appoint three of their number as a

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finance committee, which committee shall have supervision and control over the town finance and to whom the treasurer of the town shall report and account, making annual settlements in a clear and systematic manner. (As amended 1927 ex. sess., ch. 102, § 1.)

§ 19. Failure of officers to accept office and qualify; qualifications for elective officers; lien for taxes; payment of taxes by tenants.

Should any of the officers elected or appointed refuse or fail to accept and qualify within thirty days after such election or appointment, or who were ineligible to the position, then it shall be the duty of a majority of such town council as may accept and qualify to fill any vacancy by election. Only voters of the town duly registered shall be elected to any position. There shall be a lien on all goods and chattels and real estate for taxes assessed thereon from the beginning of the year they were assessed. Any payment of town taxes made by the tenant, under an express agreement by which the tenant is bound to pay such taxes, shall be a credit against the person to whom he owed the rent.

§ 20. Issuance of bonds.

No bonds shall be issued by the corporation of Mineral unless the voters of the town, at an election to be held under the order and regulations of the town council after thirty days' notice, shall have authorized the same; provided, that at said election three-fifths of the qualified voters of the town voting upon the question are in favor of issuing bonds, and said three-fifths include a majority of the votes cast by the freeholders within the town at such election and a majority of the registered vote of the town, when the council shall at its next meeting enter of record an order to carry out the wishes of the voters as expressed at said election in accordance with section twelve hundred and forty-five of Code of Virginia, eighteen hundred and eighty-seven.

§ 21. Alcoholic beverage licenses.

That any person applying to the county court of Louisa for license to sell ardent spirits, malt liquors, wine, or cider in any way within the corporate limits of the Town of Mineral, or within three miles of the limits thereof, shall produce before said court a certificate, signed by all the members of the council at a regular meeting, setting forth the facts that notices of the purpose of the council to allow the sale of whiskey, wine, ardent spirits, malt liquors, cider, or any mixture thereof, within the limits of said town have been published for thirty days immediately preceding the said meeting at which said certificate was signed at six or more public places in said town, or for four weeks consecutively in the county newspaper, a copy of which notice shall be filed with said certificate, and that after due publication of said notice a majority of the qualified voters within the corporate limits of said town have petitioned the said council to permit the sale of whiskey, wine, ardent spirits, malt liquors, and cider within the limits thereof, a copy of said petition shall be filed with said certificate; that they believe the applicant to be a fit and suitable person to engage in the sale of whiskey, and that he will keep an orderly house, and that the place is suitable, convenient, and appropriate; both person and place to be named in said certificate; provided, however, that nothing in said certificate shall be construed into an abridgement or revoking in any way the rights of the citizens or the county now given by the

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general laws governing the granting of licenses for the sale of wine, ardent spirits, malt liquors, cider, or any mixture thereof; and said court shall not grant any such license until and unless such certificate be given and produced before said court, nor shall any person within said town or within said limit, without a license, be allowed to buy ardent spirits in quantities for others and distribute the same. For the violation of this provision the party shall be subject to such fine as the council shall fix.

§ 22. Original council.

Thomas Ennis, H. W. Quarles, L. A. Keller, Curtis Hart, E. W. Milhado, Boyd M. Fruit, and W. J. Coleman shall be council of said town, one of whom by said body shall be elected mayor, and shall continue in office until their successors shall be duly elected according to law and have qualified.

§ 23. Time of holding town elections.

That the time for holding an election for town officers in accordance with this Charter shall be the fourth Thursday in May, nineteen hundred and two, and every two years thereafter, the notice of time and place to be published in one of the town newspapers, and if no newspaper is published in the town, by printed notices at three or more places within the town by the clerk of the council.

§ 24. When elective officers to take office.

The mayor and councilmen elected at the regular election in nineteen hundred and two, in May, shall enter upon the discharge of their duties on the first of July following, and shall hold office for two years, or until their successors shall have been duly elected and qualified.

§ 25. Repeal of inconsistent Acts.

All Acts or parts of Acts inconsistent with this Act are hereby repealed.

§ 26. Effective date.

This Act shall be in force from its passage.