

ACTS

AND

JOINT RESOLUTIONS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VIRGINIA,

DURING THE

SESSION OF 1889-'90.

RICHMOND:

J. H. O'BANNON, SUPERINTENDENT OF PUBLIC PRINTING.

1890.

receive a compensation of one dollar per day for each day he is actually engaged in the discharge of his duties under this act; but he shall not receive more than seventy-five dollars in any year. He shall present an itemized statement to the board of supervisors showing the days he was actually engaged, sworn to be correct. The board shall direct the same to be paid out of the district fund or allow the same as a credit to said commissioner when they settle with him annually.

28. All the general road laws not in conflict with this act shall be in force in the said county of Grayson.

29. It shall be the duty of the county court to give a liberal construction to this act so as to have the same fully executed and carried into effect.

30. All acts or parts of acts, and all special road laws passed for the county of Grayson, which are in conflict with this act, are hereby repealed.

31. This act shall be in force from and after the first day of March, eighteen hundred and ninety.

Commencem't.

CHAP. 262.—An ACT to incorporate the city of Danville.

Approved February 17, 1890.

CHARTER OF THE CITY OF DANVILLE, VIRGINIA.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits prescribed by the act approved January twenty-eight, eighteen hundred and sixty-seven, entitled an act to extend the limits of the town of Danville, and by any other act which may be hereafter passed by the general assembly of Virginia altering or enlarging said boundaries, shall be deemed and taken as the city of Danville, and the inhabitants of the city of Danville, for all purposes for which towns and cities are incorporated, shall continue to be one body politic in fact and in name, under the style and denomination of the "City of Danville," and as such 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 city as a municipal corporation.

CHAPTER II.

The government of the city of Danville shall be vested in a mayor, a council, aldermen, and such boards and officers as are permitted or required by law and as may be constituted and appointed by said council.

Government.

CHAPTER III.

Courts.

Courts. 1. There shall continue to be for the said corporation a court of record, which shall be called the corporation court of Danville, and shall be held by the judge thereof, with such powers and at such times as the constitution and laws of the state now in force for the government of corporation courts may provide. The judge of said court shall reside in said city or within the jurisdiction of his said court, and shall be paid such salary as the council may determine, so that the same be not less than fifteen hundred nor more than twenty-three hundred dollars.

Circuit court.

Circuit court. 2. There shall continue to be held in the city of Danville twice in each year a circuit court for said city, the jurisdiction whereof shall extend to all cases made cognizable therein by the constitution and laws of the state arising within the corporate limits of said city and within the corporate limits of the town of North Danville, and for one mile beyond the limits of either and both of said corporations, over which the circuit court of Pittsylvania has heretofore had jurisdiction, and the said court shall be convened and held at such times as may be fixed by law by the judge of the fourth judicial circuit.

Jurisdiction of corporation court.

Jurisdiction of corporation court. 3. The jurisdiction of the said corporation court, except as to matters of police, which shall belong to the council, shall be the same as the constitution and laws of the state now provide, and the said court shall have jurisdiction not only within the corporate limits of the city of Danville and the town of North Danville, but also for the space of one mile without and around the limits of said city and said town, and in all matters arising within said city and said town or the space of one mile beyond and around the same, as aforesaid. And the court, jail, and other proper expenses attaching or incident to the conduct of the courts and legal business within the jurisdiction aforesaid, and as fixed by law, shall be fairly and justly apportioned between said city and said town by the respective councils thereof; and in case of disagreement between said councils, or the failure or refusal of either or both of said bodies to act in the premises, the same shall be apportioned and allowed by the circuit and corporation courts of Danville, or the judges thereof, upon meeting and consultation for that purpose, and the respective amounts to be paid by Danville and North Danville certified by said courts or judges to the respective councils for payment.

Powers and duties of the court.

4. The said corporation court shall have the power to settle tavern rates, and to license, in the manner prescribed by law, tavern keepers, and retailers of wine, ardent spirits, or a mixture thereof.

Powers and duties of the court.

CHAPTER IV.

Election of city officers and their terms of office.

1. The regular election of all municipal officers, who, under the provisions of this charter, are to be chosen by the vote of the people, shall be held on the fourth Thursday in May, at the court-house in said city, and at such other places as the corporation judge may direct or designate as precincts or voting places. At such election there shall be elected two councilmen from each ward of the city, except at the first election held under this charter, when four councilmen shall be elected for each ward, two to serve for two years, and two to serve for four years, and thereafter there shall be elected at each biennial election two councilmen from each ward to serve for four years. At such elections there shall also be elected one mayor, three aldermen (one for each ward), one commonwealth's attorney (who shall be attorney for both the corporation and circuit courts), one clerk (who shall likewise be clerk of both said courts), one sergeant, one treasurer, and one commissioner of the revenue. All these officials shall enter upon their duties on the first day of July succeeding their election, and (except councilmen, who shall hold as hereinbefore provided), shall hold for the following terms, namely: The mayor and aldermen for two years, sergeant for two years, commissioner of the revenue for four years, treasurer for three years, and clerk for six years.

Election of city officers.

In cases of vacancy arising in any municipal office herein mentioned, except as otherwise provided, and in case of any special election ordered by the city council for any object not provided for in the general election laws of the state, it shall be the duty of the council to certify the same, and communicate the facts and their order to the judge of the corporation court, who shall issue his writ for an election to fill the vacancy named, or to carry out the objects for which a special election is desired, in the manner prescribed by the general election laws of the state.

Eligibility to office.

2. No person shall be eligible to any municipal office unless he be a resident of the city, and has been a resident for at least twelve months before his election; nor shall any person be capable of holding at the same time more

Eligibility to office.

than one of the elective offices mentioned in this act, and removal from the city of any one holding any municipal office shall vacate the same.

Continuance in office, &c.

Continuance in office. 3. All persons elected or appointed to any municipal office under the provisions of this charter, shall respectively continue in office until their successors have qualified, unless such discontinuance shall be brought about by death, resignation, or removal from office in the manner prescribed by law.

Oath of office, etc.

Oath of office. 4. The mayor, members of the council, and all other officers of the city, whether elected by the people or the council, before entering upon the duties of their respective offices shall be sworn in accordance with the laws of the state. Such oaths may be administered by any person competent to administer oaths under the laws of the state, and a certificate of such oaths having been taken shall be filed by each officer with the clerk of the council, unless otherwise provided by law, and said clerk shall enter the same upon the journal of the council. If any person elected or appointed to any office in said city shall neglect to take such oath for thirty days after receiving notice of his election or appointment, or shall neglect or refuse for the like space of time to give such securities as may be required of him by the city council as hereinafter provided, or as may be hereafter required by any law or ordinance, his office shall be deemed vacant, and another election or appointment shall be made.

Who shall give bond and the penalties of such bonds.

Bonds and penalties. 5. The following officers shall severally give bonds to the city, with security to be approved by the council, conditioned so as to secure the faithful discharge of the duties of their respective offices to the city, and the several penalties of said bonds shall not be less than the sum named below, but may, at the will of the council, be greater—to wit: The mayor, in a penalty not less than ten thousand dollars; the treasurer, in a penalty not less than twenty thousand dollars; the collector, in a penalty not less than forty thousand; the commissioner of the revenue, in a penalty not less than five thousand dollars; auditor, five hundred dollars; chief of fire department, five hundred dollars; clerk of market, five hundred dollars; chief of police, one thousand dollars; the city engineer, in a penalty not less than two thousand dollars; the constable, in a penalty not less than five thousand dollars; aldermen, in a penalty not less than five hundred dollars. And any person holding a municipal office, whether such office is

enumerated above or not, and whether such office now exists or may hereafter be created by act of assembly or ordinance of the city, may be required by the council, subject to the above limitation, to give such official bond as it may deem proper. The bonds provided for under this section are only to secure official duties to the city, and are intended in no wise to avoid or supersede the official bonds to the state required of any of said officers by law. All official bonds given by municipal officers shall be filed with the city treasurer, except that of the treasurer, which shall be filed with the clerk of the corporation court.

Default.

6. In case of default on the part of any bonded official of the city of Danville, the city shall have the same remedies upon his bond against him and his sureties as are provided for the state in enforcing the penalty of any official bond given to it. *Default.*

Treasurer, collector, commissioner of revenue, and constable may appoint deputies.

7. The treasurer, collector, commissioner of the revenue, and constable may each appoint one or more deputies: provided, such appointments meet the approval of the council: and provided, further, that the securities of said officers, respectively, shall be liable as well for the acts of said deputies as for those of their principals.

CHAPTER V.

Mayor and his duties.

1. The mayor shall be elected by the qualified voters of the city for the term of two years. His salary shall be fixed by the ordinances of the city, and paid as therein directed; and the salary of mayor shall not be diminished during his term of office.

2. The mayor shall be the chief executive officer of said city, and his powers and duties, with reference to his supervision over the conduct of municipal officers and those acting in such relation, and the general affairs of the city, shall be such as are prescribed by the constitution and laws of the state.

3. It shall be his duty to enforce the laws and ordinances of the city and all orders and resolutions of the council.

4. He shall report to the council, as often as it may require, all moneys received by him for the use of the city from fines, forfeitures, and taxes under the ordinances and laws of the city, and shall pay the same over at such times as he may be required to do so, and he shall, at least once in every year, report to the council the situ-

ation and condition of the city in relation to its government, finances, and improvement, with such recommendation as he may deem proper.

Mayor's jurisdiction in criminal cases.

5. In criminal cases under the laws of the state he shall exercise all the power and authority of a justice of the peace, not only within the corporate limits of said city, but for the space of one mile without and around the same, except wherein his authority and jurisdiction would conflict with the jurisdiction and authority conferred by law upon the mayor of North Danville within the limits of that town; and in enforcing the laws and ordinances of the city he shall have authority to impose and collect all fines and penalties, together with costs, and inflict such other punishments as by the said laws and ordinances are ordained as a penalty for any breach thereof, and, except where otherwise provided, the said last named fines, penalties, and punishments for the violation of the laws and ordinances of said city may, in the sound discretion of the mayor, be imposed, collected, and inflicted by him in addition to the punishment prescribed by the laws of the state for the offenses.

Jurisdiction in civil cases.

6. In civil suits, his jurisdiction within the corporate limits shall be the same as that of a justice of the peace, except that the maximum limit of such jurisdiction shall be one hundred dollars, and when the matter in controversy, exclusive of costs, does not exceed ten dollars, his judgment shall be final.

Appeal.

7. An appeal may be taken from the judgment of the mayor in imposing penalties for infraction of the city ordinances to the corporation court of the city, except in cases where the penalty imposed is a fine not exceeding ten dollars, in which it shall be final.

Daily court.

8. The mayor shall hold a court every day, except Sunday, for the cognizance of such cases as may be brought before him under the laws of the state or the ordinances of the city, and he shall have power to enforce the payment of any fine or penalty imposed by him, not only for violation of the laws of the state, and in accordance with the laws of the state, but also for any infraction of a city ordinance, by imprisonment in the city jail.

Mayor to have oversight of officers.

9. The mayor shall see that the duties of the various city officers are faithfully performed. He shall have powers to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath, but the evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend or remove such officers, whether they be elected or appointed, for misconduct in office or neglect of duty, the cause thereof to be specified in the order of suspension or removal, but no such removal shall be made without reason-

able notice to the officer complained of, and an opportunity afforded him to be heard in his defense.

10. In case of the absence or inability of the mayor, the president of the council or such alderman as may be designated by the council, shall act as mayor, and shall possess the same powers and discharge the same duties as the mayor during such absence or inability. In absence of mayor.

11. In case a vacancy occurs in the office of mayor, the same shall be filled by the council until such vacancy is filled by an election by the people according to law.

12. The corporation court of the city may remove the mayor from office for malfeasance, misfeasance, and gross neglect of official duty, and such removal shall be deemed a vacation of the office. All proceedings under this section shall be by order of or motion before said court, upon reasonable notice to the party to be affected thereby. Mayor: how removed.

CHAPTER VI.

City council—powers, duties, &c.

1. The council shall, immediately after qualifying, or as soon thereafter as may be, convene and elect a president and a clerk. The president shall be one of their own body and shall preside at all times when present, and the council may elect a president pro tempore to preside in his absence. The president may, at any time, call a meeting of the council, and, in case of his absence, inability, or refusal, the council may be convened by the order, in writing, of any seven members, addressed to its clerk.

2. The council shall have authority to adopt all needful rules and regulations for its government and the proper conduct of its business, and, in addition to its clerk, may appoint such other officers as it deems proper and necessary for the convenient dispatch of business; to compel the attendance of absent members; to punish members for disorderly behavior, and, by a vote of three-fourths of its whole number, to expel a member for misconduct in office. It shall keep a journal of its proceedings, and its meetings shall be open, except when the public welfare requires secrecy.

3. A majority of the members of the council shall constitute a quorum for the transaction of business, except that on all ordinances or resolutions appropriating money exceeding one hundred dollars, imposing taxes or authorizing the borrowing of money, a vote of two-thirds of all the members elected shall be necessary, and the yeas and nays shall be taken and entered on the journal. No vote shall be reconsidered or rescinded at any special or called meeting, unless at such special or called meeting there be then present as many members as were present when such

vote was taken. No ordinance or resolution appropriating money exceeding the sum of one thousand dollars, imposing taxes, or authorizing the borrowing of money, shall be passed until after ten days from the introduction thereof. No ordinance, resolution, or motion which creates, continues, or revives any appropriation of money or property, or releases, discharges, remits, or commutes any claim or demand of the city, shall have any force or effect unless the same shall receive the votes of at least two-thirds of all the members elected to the city council.

May move re-consideration of ordinances appropriating money.

4. Upon the announcement by the president of the adoption of resolutions or ordinances having for their object the increase of the indebtedness of the city, or the expenditure of its revenue or resources, except in the payment of its salaried officers and current expenses, any two councilmen may give notice of a motion to reconsider, which motion shall delay the question until said reconsideration can be acted on at the next regular meeting, or at a meeting called for that special purpose.

5. The council shall have all the general powers vested in it by the laws of the state, and shall further have power—

6. To fill vacancies in its body, and the person so appointed shall hold during the unexpired term of the person in whose place he is appointed.

7. To control and manage the fiscal and municipal affairs of the city, and of all property, real and personal, belonging to the city, and make such ordinances, orders and by-laws relating to the same as it may deem proper and necessary.

May hold land.

8. The council shall also have power to purchase, receive, lease, and hold lands, tenements, goods, and chattels, either in fee simple or any less estate therein, either for the use of said city or in trust for the benefit of any persons or associations therein, and the same to let, sell, or grant or assign again; to purchase and hold any quantity of land outside of the limits of the corporation, and in the county of Pittsylvania, not exceeding two hundred acres, as may be necessary for the use, convenience, and comfort of the people, and for one or more public cemeteries, public parks, a poor-house, and a work-house. Any lands so acquired and bona fide used for such purposes shall be subject to the jurisdiction of said council and the corporation court of said city in like manner as if the same were within the corporate limits of said city, and be free from state tax.

Markets.

9. The council shall have power also to build a market-house or market-houses, and establish markets in the city and regulate the same, and enforce such regulations in regard to the keeping and sale of fresh meat, vegetables, eggs, and other green groceries and marketable produce,

and the trade of butchers, hucksters, and junk dealers, as may be deemed necessary or advisable; to erect a city hall, a station-house, a jail, and other buildings deemed necessary and convenient for the wants of said city; to erect, in or near the city, suitable work-houses, houses of correction or reformation, and a house or houses for the reception and maintenance of the poor and destitute. It shall possess and exercise exclusive authority over all persons within the limits of the city receiving or entitled to the benefit of the poor law; appoint officers and other persons connected with any house or institution which it may establish, and regulate pauperism within the limits of the city; and the council, through a committee of its own body, or a steward or board of overseers, or such other agencies as it may appoint for the direction and management of the poor of the city, shall exercise the powers and perform the duties vested by law in overseers of the poor; to erect and keep in order all necessary public buildings, including a city jail, and to open and regulate public squares and parks.

Fire department—Its officers, &c.

10. The council shall have all needful powers and authority to organize a fire department for the city; to take all necessary steps to prevent accident by fire, and especially to organize, equip, and govern fire companies, and to appoint a fire marshal and assistants of any kind needed, with all powers now or hereafter to be vested in such officers, and to purchase and keep in order fire-engines and other apparatus; to prohibit the erection of any buildings more than ten feet in length, breadth, or height, unless the outer walls thereof be of brick and mortar, or such material as cannot take fire, and provide for the removal of any building or addition erected contrary to such prohibition within the limits of said corporation; and if at any time the council should deem it advisable for the better protection of the city from fire, it may, in its discretion, select suitable citizens to be active members of the fire companies, who, by the certificate of the president, ordered by a vote of the council, may be released from serving as jurors in the corporation and circuit courts of Danville so long as they are bona fide active members of such fire company, and also, in its discretion, may excuse members of such fire companies from militia duty, except in case of danger to or invasion of the state, so that they be relieved from the payment of fines for failure to attend the company and general musters prescribed by law; and for greater security from fire, the council may designate and prescribe from time to time the parts of the city within which no building of wood shall be erected, and regulate

the construction of buildings in the city so as to protect it against damages from fire.

Power to provide gas and water-works.

Gas and water-works.

11. The council may provide, by purchase or otherwise, all proper and necessary supplies of water and gas for the use of said city, and for this purpose may build, erect, purchase, hold and maintain water-works and gas-works, and all other property, real and personal, requisite for such work, and to manage and control the same as the said council may see fit. It may also regulate and prescribe the price at which gas and water shall be furnished; and when gas or water mains are laid in a street the council shall have power, for the purpose of meeting the expenses of the gas-works and water-works of the city, to levy an annual special assessment upon the real estate on both sides of such street: provided, such assessment shall not exceed one-fourth of one per centum of its assessed value; but it shall also be authorized to exempt any property from such assessment to which gas and water is supplied at the rates charged for gas and water. The council may also establish or enlarge water-works or gas-works within or without the city, and contract with the owners of land for the use or purchase thereof, or may have the same condemned for the location or enlargement of said works, or the pipes or fixtures thereof. It may also protect from injury or pollution, by proper penalties, said works or anything connected therewith, within or without said city, and may under this power prevent the pollution of the water in Dan river by prohibiting the throwing of filth or offensive matter therein for a distance of three miles above the limits of the city.

Sewers, drains, &c.

Sewers, drains, &c.

12. The council shall have power and authority to establish and maintain a proper system of sewers and drains for said city; to make or construct sewers or public ducts through said city, or wherever else within and around the city it may be deemed expedient, and regulate the method and terms upon which persons owning property abutting upon the street in which said sewers or ducts are laid may be allowed or compelled to connect their property therewith; to build bridges in or culverts under the streets or alleys of the city; prevent or remove obstructions or encroachments over, under, or in the same; plant shade trees along the same, and prevent the cumbering of streets, alleys, walks, public squares, lanes, or bridges in any manner whatever.

Streets.

Streets.

13. The council shall have power to take the care of, supervision, and control of streets, squares and commons, and

to close, extend, widen, narrow, lay out, pave, graduate, improve and otherwise alter the streets in said city; have the streets properly lighted and kept in good order, and to have the footways or sidewalks of the city paved at the expense of the owners or occupiers of the lots or parts of lots; and in case they or any of them shall neglect or refuse to pave the side when required, it shall be lawful for the council to have the same paved, and recover the expense thereof before the mayor or any alderman of the corporation, or in cases where the amount involved exceeds the jurisdiction of the mayor or an alderman, then before the corporation court of the city; and in all cases where a tenant shall be required to pave in front of the property in his or her occupation, the expense of the paving so done shall be a good offset against so much of the rent as he or she shall have paid towards such pavement, but no tenant shall be required to pay more for or on account of such paving than such tenant may owe at the time of the commencement of said work, or as may become due to the end of his or her tenancy: provided, that no owner or occupier of a lot or lots in front of which paving is laid shall be required to repave said footways or sidewalks, in whole or in part at their own expense oftener than once in five years.

Powers as to new streets, &c.

14. The city shall not take or use any private property for streets or other public purposes without making just compensation therefor, but when the city cannot obtain ground necessary for its purposes, it may proceed to condemn the same in the mode prescribed by law. No order shall be made and no injunction shall be granted by any judge or court of this commonwealth to stay the proceedings of the city in the exercise of any power herein granted it over its streets and highways, unless it be manifest that it is exceeding its powers, and that the interposition of the court is necessary to prevent injury which cannot be adequately compensated in damages. Whenever any new street shall be laid out, a street graded or paved, a sewer or culvert built, or any other public improvements whatsoever made, the said council may determine what portion, if any, of the expenses thereof ought to be paid from the city treasury, and what portion by the owners of the real estate benefited: provided, that not more than one-half of the costs of any such improvement shall be assessed upon the owners of real estate benefited thereby. But no such public improvement shall be made to be defrayed in part by local assessment or special assessment or tax until first requested by a petition signed by at least a majority of the owners of the property to be assessed or taxed for such improve-

Powers to open streets.

ment, or unless at least three-fourths of the council shall concur in voting any such improvement to be expedient, or in determining to make the same after the allegations have been heard for and against, in which case no petition or request shall be necessary. The assessments made against the owners of said real estate for such improvement shall be a lien on said property, and may be collected by the same officer and in the same manner as city taxes and levies. The council shall have the power in the manner prescribed by law to open and establish new streets and public ways or alleys in said city whenever it shall think that the public convenience requires it.

Control of streets, &c.

Control of
streets, &c.

15. The council shall not only have control over the public streets and ways of said city, but it may permit street railways to be built, telegraph and telephone poles to be erected, gas and steam pipes to be laid in the streets or public ways, determine and designate the route and grade of any street or other railroad in the city running upon or crossing the streets thereof, regulate the speed of engines and cars within the city limits, and wholly exclude the same when the welfare of the city demands it. It may also prevent the riding or driving of horses or other animals at improper speed, regulate the speed or rate at which omnibuses, wagons, carriages, drays, or other vehicles may be driven or propelled along the streets and public ways; prevent the flying of kites, throwing or shooting stones or gravels, or engaging in any sport or employment in said streets or public ways which may be dangerous or annoying to citizens and passengers, and prohibit and punish the torture and abuse of animals in the streets or near thereto; to prevent hogs, dogs, and other animals from being kept in or from running at large in the city, and to subject the same to such taxes, regulations, and confiscations as it shall deem just.

Dedication of streets, &c.

Dedication of
streets, &c.

16. When the owner of any property in the city divides the same into lots, reserving streets therein for the use of the public, and places a plat thereof on record clearly showing his intention in regard thereto, it shall be held a dedication thereof to the public use, and the fee in the same shall thereby vest in the city, and no agreement between or release of interest by persons owning the land contiguous to such streets where the same have ever been opened to public use shall have the effect of closing such streets or to divest the interest of the public therein or authority of the city thereover.

17. In every case where there has been or shall be encroachments upon a street by a fence, building, or other-

wise, the mayor may require the owner to remove the same. If such removal shall not be made within the time ordered, the mayor may impose a penalty, to be fixed by the council, for each day which it is allowed to continue thereafter, and may cause the encroachment to be removed at the risk and cost of the owner.

Names of streets, &c.

18. The council may give names to or alter the names of streets.

Wards.

19. The council shall have power to alter or exchange the boundaries of the several wards of the city and may increase the number thereof, whenever deemed expedient or proper.

Public schools, &c.

20. The council shall have power, and the authority is hereby given, to build school-houses and to provide and aid in the support or maintenance of public free schools, to appoint the trustees or school board, designate the age of pupils to be admitted to the public schools, and the grade of such schools.

Aid to military, fire companies, &c.

21. The council may grant aid from the public funds to military and fire companies, to benevolent or charitable institutions and associations, and to a public library: provided, that all such companies, associations or institutions shall be located in the city of Danville, and provided that no appropriation for any of the purposes mentioned shall be made unless two-thirds of all the members elected to the council shall vote therefor.

To prevent diseases, establish hospitals, cemeteries, &c.

22. The council may take all necessary steps and make all necessary regulations to secure the inhabitants from contagious, infectious, and dangerous diseases, establish a quarantine ground, provide and maintain hospitals, compel the removal of patients to the same, appoint a city physician, and, in its discretion, organize a board of health and define its duties, and grant it the necessary authority to effectually discharge them. It may also provide in or near the city lands for the burial places of the dead, may regulate and charge for the use of the ground therein, keep said grounds in order, and require the return of bills of mortality by the keepers of all such grounds or cemeteries in or near the city.

Buildings for gunpowder, &c.

23. The council shall also have power to direct the location of all buildings for storing gunpowder or other combustible substances; to regulate the sale and use of gunpowder, fire-crackers, fire-works, kerosene oil, nitro-glycerine, camphene, burning fluid, dynamite, or other combustible materials; to regulate the exhibition of fire-works, the discharge of fire-arms, the use of lamps and lights in barns, stables, and other buildings, and the making of bon-fires in streets and yards and public parks and squares.

Nuisances, &c.

Nuisances.

24. The council shall have authority to compel the abatement and removal of all nuisances within the city at the expense of the person or persons causing the same, or the owner or owners of the ground whereon the same shall be; to prevent or regulate distilleries, slaughter-houses, tan-yards, guano-houses, soap and candle factories within said city or within one mile thereof, or the exercise of any dangerous, offensive, or unhealthy business or employment therein, and to regulate the transportation of garbage, offal, coal, dirt, and other articles through the streets of the city.

Other powers.

25. To restrain and punish drunkards, vagrants, mendicants, and street beggars.

26. To prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages; to suppress houses of ill-fame and gaming-houses; to prevent lewd, indecent, and disorderly conduct or exhibitions in the city, and to expel therefrom persons guilty of such conduct who have resided therein less than one year.

Regulation of
liquor traffic.

27. To prevent the selling or other disposition of liquors and intoxicating drinks to be drunk in any boat, booth, store, or other place not duly licensed; to forbid the selling or giving to be drunk any intoxicating liquors to any child or minor without the consent of his parent or guardian, and to impose fines for the violation of such ordinances as may be made in relation thereto additional to those prescribed by the state laws.

28. To require spirituous liquors, wines, oils, molasses, vinegar, and spirits of turpentine (in casks) to be gauged and inspected; to provide for the weighing of hay, fodder, oats, shucks, or other long forage; and to provide for the measuring of corn, wheat, oats, or other grain, coal, stone, wood, lumber, potatoes, and other articles of sale or barter. To require every merchant or trader in property of

any description which is sold by measure or weight to have his weights and measures sealed by the city sealer.

29. To make such regulations and orders as will protect its citizens against danger from unsafe buildings or walls, and to that end shall have power to cause to be condemned and taken down any such building, structure, or wall, but no such condemnation shall be made, or such building or wall taken down, until the owner thereof—or in case of an infant or insane person, his guardian or committee—be duly summoned before the officer or board of officers of the city charged by the ordinances with such duty, and allowed reasonable opportunity to show cause against such action.

Appointment of city officers.

30. The council shall have power to appoint a city engineer and a city surveyor, and prescribe their respective powers and duties, term of office and compensation; but at the discretion of the council the offices of engineer and surveyor may be consolidated. The engineer may have such assistants and clerks as the council may approve. It may also appoint a city constable, a collector of city taxes, a city attorney, clerk of the market, inspector of buildings, and such other officers as it may deem necessary and proper and may define their term of office, powers, duties and compensation. Any office which the council has the power to create it may at any time for good cause abolish, whether the term of office of the incumbent has expired or not. From any officer appointed by the council as hereinbefore provided, it may take bond, with good security, in such penalty and with such conditions as to it may seem proper.

City officers;
their appoint-
ment.

Compensation to officials.

31. The council may grant compensation not only to the officers appointed by their own body, but also to the commissioner of the revenue and treasurer. It shall also make provision for the payment of such salary to the attorney for the commonwealth, and such compensation for ex-officio services to the clerk of the corporation court and the sergeant of the corporation as the said corporation court shall deem reasonable, the same having been certified to it by the direction of the said court.

Fines, penalties, &c.

32. The council shall have power to make such by-laws, rules, and regulations for the government of said city as shall not be contrary to the laws of the United States or of this state, and to enforce all such by-laws, rules and regulations by reasonable fines and penalties, not exceeding for any one office the sum of fifty dollars, to be recovered

Fines, &c.

before the mayor or any alderman of the said city (such fines to be paid into the treasury of the said city), and by imprisonment in the corporation jail for a period not exceeding six months; and in case the person or persons so fined shall have no visible effects, it shall be lawful to require such offenders to work out such fines on the public streets or on other public works, under the direction of the mayor; and the council is hereby empowered to establish a chain-gang as a punishment for the incorrigibly vicious, which shall make a part of the police regulations and be controlled by the chief of police, under the direction of the mayor in pursuance of the ordinances of the city. And for the temporary confinement of persons charged with offenses against the ordinances of the city, and until a proper building is erected for such purpose, the council may select and adopt one of the rooms or apartments of the city jail to be designated and used as a station-house or room, in charge of the chief of police, under the direction of the mayor: provided, that in cases where fines have been imposed, for the non-payment of which the mayor is authorized to inflict imprisonment, the mayor may, in his discretion, take bond with good security, from the offender, payable to the commonwealth or to the city, as the case may be, in a penalty at least double the amount of the fine imposed, with conditions to pay said fine and costs at any named time within three months from the date of said bond, and upon the execution of such bond, as aforesaid, the offender may be discharged from custody. And should default be made in payment of any bond in this section provided for, the amount therein specified, together with the interest and costs, may be recovered to the use of the state or the city of Danville, as shall be proper, by action or motion, after five days' notice, before the mayor, any alderman of the city, or in proper cases, before the corporation court of Danville.

Powers over franchises, &c.

Franchises:
powers over.

33. All the estates, rights, titles, and privileges, and all the funds, revenues, and claims of the city, shall be under the care, management, control, and disposition of the council and all the corporate capacities, franchises, and immunities of the city shall be exercised by the same or under its authority, unless where it is otherwise expressly provided; and the said council is authorized to do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction which is or shall be granted to or vested in said city, or in the council, court, or officers thereof, or which may be necessary incident to a municipal corporation.

Publication of ordinances—Evidence, &c.

34. The council is hereby invested with authority to provide for the due publication in the newspapers or otherwise of its resolutions and ordinances; and the printed copies of the ordinances of said city, printed under the authority of the said council, and transcripts from such ordinances, or from the journal or ordinance book of the council, certified by the clerk thereof, shall be received as evidence by the courts or other tribunals, departments, or authorities of this state for any purpose for which the original ordinances or journal could be received, and with as great effect.

Ordinances to be published.

CHAPTER VII.

Taxes, taxation, &c.

1. For the proper execution of its powers and duties, and to meet the wants and purposes of the city, the council is hereby invested with power and authority annually to lay and collect taxes on the real and personal property in said city according to its value, and on incomes, not to exceed one and one-half per centum on each hundred dollars' value thereof for all the purposes of said city, including therein the tax for public free school purposes: provided, that the value of the real estate in said city shall be ascertained in such way as the council may prescribe, and the taxes levied and collected for the uses and purposes of the city, or under the authority thereof, shall be equal and uniform upon all property, both real and personal; and provided, further, that the capital invested in all business operations carried on within the city shall be assessed and taxed as other property, and assessment upon all stocks shall be according to the market value thereof.

Taxes, taxation, &c.

2. The council may impose a tax of fifty cents per annum upon each male resident of the city above the age of twenty-one years, and in order the better to ascertain and determine what persons are liable for taxation it is hereby declared that all tithable persons resident in the city on the first day of February shall be subject to taxation the then current year.

3. The council may grant or refuse licenses, and may regulate the taxes to be paid on such licenses, to insurance companies, including agents of insurance companies whose principal office is not located in said city; to auctioneers, to public theatrical or other performances or shows, exhibiting within said city or the limits of the corporation court's jurisdiction without the corporate limits of North Danville; to keepers of billiard, bagatelle, or like tables, ten-pin alleys, and pistol galleries; to hawkers and peddlers in the city, or persons to sell

License to insurance companies and other business.

goods by sample therein; to agents for the sale or renting of real estate, and all other business which cannot be reached by the ad valorem system under any of the preceding sections. The council may also grant or refuse such license to all sellers of wine or spirituous or fermented liquors, venders of quack medicine or soaps, and require taxes to be paid on all such licenses in addition to other taxes imposed. It may also grant or refuse licenses to owners of or keepers of wagons, drays, carts, hacks, and other wheeled vehicles or carriages kept or employed in the city for hire, and may require the owners of wagons, drays, and carts using them in the city in proper cases to take out a license therefor, and may require taxes to be paid thereon, and subject the same to such regulations as they may deem proper, and prescribe their fees and compensation.

4. The council may impose a tax upon all corporations located in the city, or having their principal office therein, and not exempted by law from taxation. It may impose a tax on merchants, commission merchants, traders, lawyers, physicians, dentists, bankers, brokers, manufacturers, keepers of ordinaries, hotel keepers, boarding-house keepers, keepers of drinking or eating houses, keepers of livery or sales stables, daguerrean or photographic artists of all kinds, and agents for the transaction of any taxable business; and the council may impose a tax upon any other business, trade, persons, or employment, whether such business, trade, person, or employment be herein specially enumerated or not, and whether any tax be imposed thereon by the state or not. As to all such business, trade, persons, or employment the council may lay a direct tax, or may require a license therefor, as may be most expedient and proper, under such regulations as it may prescribe, and levy a tax thereon.

5. The council may subject any person who, without having obtained a license therefor, shall do any act or follow any employment or business in the city for which a license may be required by ordinance to such fine or penalty as it is authorized to impose for any violation of its laws.

6. The council may pass all by-laws, rules, and ordinances not repugnant to the constitution and laws of the state which it may deem necessary to enable it to carry into effect the powers and authority hereinbefore granted, and which it may deem necessary for the good order and government of the city, the management of its property, the conduct of its affairs, the peace, comfort, order, health, and protection of its citizens and their property.

CHAPTER VIII.

Power to subscribe to stock of incorporated companies, and limit of outstanding debts, &c.

1. The council may, in the name and for the use and benefit of said city, subscribe to the stock of any company incorporated for the purpose of conducting any improved or artificial road to the said city, and other incorporated companies: provided, the question of subscription shall have been first submitted to the qualified voters of said city and three-fourths of the legal voters of the city, and a majority of the registered freeholders thereof voting shall have approved the same. It may also contract loans and issue bonds and certificates of debt, and provide and maintain a sinking fund for the same; and for this sinking fund there shall be set apart from the resources of the city a sum equal to one per centum per annum on the aggregate debt not payable within one year, whether contracted hereafter or heretofore, and the same shall be applied to the debt of the city as it shall become due, and if no part be due and payable, it shall be invested in the bonds or certificates of debt of the city or of this state, or of the United States, or of some state of this union, but no loan contracted shall be irredeemable for a longer period than thirty-four years, nor shall the outstanding debt of said city at any time exceed the sum of twelve hundred and ten thousand dollars, which sum shall include the debt of the town of Danville named in the amendment to the charter of said town by act of March first, eighteen hundred and eighty-four, that named in the act approved April sixth, eighteen hundred and eighty-seven, permitting said town to subscribe five hundred thousand dollars for railroad purposes, and the acts since passed amendatory thereof, and the additional sum of fifty thousand dollars to be used for the erection of a market-house and other city buildings included in or connected therewith.

Outstanding debts, &c.

Temporary, debts, loans, &c.

2. No debt shall be created by the council for a longer period than four months, unless the ordinance creating the same has been introduced at some meeting of the council at least thirty days before the same is passed, but an amendment to such ordinance need not lie over for an additional thirty days.

Temporary debts, loans, &c.

CHAPTER IX.

Liens for taxes, duties of collector, &c.

1. There shall be a lien on real estate for the city taxes assessed thereon from the commencement of the year for

which they are assessed. The collector of taxes of said city may distrain and sell therefor in like manner as a sergeant or other collector may distrain and sell for state taxes, and shall have in other respects like power to enforce the collection of all taxes and assessments properly placed in his hands for collection. The council may require the real estate in said city delinquent for the non-payment of taxes to be sold for the same, with interest thereon and such per centum as it may prescribe for charges and expenses of sale and collection, and may regulate the terms on which real estate may be sold or redeemed: provided, that such sales shall be made after the manner prescribed by law, and subject to the prior lien of the commonwealth for taxes. And should the person or collector appointed by the council, or the collector of the city taxes, in case said duties shall be devolved on him, fail to collect and pay over the said taxes at the time prescribed by the council, he and his securities in the bond which he shall have given for that purpose, or the city collector, when he discharges said duties, and the sureties on his official bond, their executors, administrators, and so forth, shall be subject to such proceedings by motion or otherwise, before the corporation court of said city as are prescribed by the code of Virginia against sergeants, sheriffs, or other collecting officers discharging duties similar to those prescribed for the collector aforesaid.

Powers to be vested in collector of city taxes, &c.

2. The council may vest in the collector of city taxes and assessments the collector of water rates, rents, or assessments, and any other collector of sums due the city, which it may appoint, any or all of the powers which are now or may be hereafter vested in any collector of state taxes, and may prescribe the mode of his proceeding, and the mode of proceeding against him for failure to perform his duties. No deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes assessed against the grantor in such deed while such goods and chattels remain in the possession of the grantor, nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes assessed thereon, no matter in whose possession they may be found. And in the event it is evident that the party or persons owing said taxes, or the person in possession of the goods and chattels upon which said taxes have been assessed, is about to abscond, remove said goods and chattels, beyond the jurisdiction of the corporation court of said city, or make way with, or dispose of said goods and chattels, with the design of avoiding the payment of said taxes, then said collector may levy upon or distrain and sell said goods and chattels for the payment of said taxes

then due in the same way and with the same effect, as he would be authorized to do, on or after the first day of December of the year in which said taxes accrued.

Rights of tenant paying landlord's taxes.

3. A tenant from whom payment of taxes on his landlord's property shall be obtained by distress or otherwise shall have credit for the same against such person on account of his rent, unless by contract the tenant is to pay such taxes.

Moneys collected for the city.

4. All moneys received or collected for the use of the city shall be paid over, held, and disbursed as the council may order or prescribe.

Duty of corporation court clerk.

5. It shall be the duty of the clerk of the corporation court of the city, in each year between the first and fifteenth days of January, to furnish to the commissioner of the revenue of the city a certified list of all transfers of real estate which have been made in his office during the preceding year.

CHAPTER X.

Police force, aldermen, &c.

1. The council shall have power and authority to organize a police force for the city, to be composed of a chief, other needed officers, and such number of men as said council may think are needed for the guardianship and protection of said city. The officers and members of said force shall be elected or appointed for such time or term as to the council may seem fit, and the pay, uniform, and regulations for the government of said police force shall be prescribed by the council. The police force, when duly constituted, shall be under the control of the mayor, for the purpose of enforcing peace and good order and executing the laws of the state and the ordinances of the city. It shall also perform such other duties as the council shall prescribe. For the purpose of enabling it to perform its duties and powers, each member thereof is hereby made a conservator of the peace during his term of office or service, and endowed with the powers of a constable in criminal cases and all other powers which, under the law of the state, may be necessary to enable him properly to discharge the duties of his office.

Aldermen.

2. There shall be elected by the qualified voters of the city of Danville one alderman for each ward of the city,

who shall be residents of their respective wards, and hold office for the term of two years, and until their successors be elected and qualified unless sooner removed from office. Said aldermen shall be conservators of the peace within the city and for the space of one mile without and around the same, except that they shall not be authorized to exercise their functions within the limits of North Danville. They shall have the same powers and duties within the jurisdictional limits assigned to them in criminal cases as are now or may be hereafter allowed by law to justices of the peace in the several counties of the state, and receive the same compensation. In civil cases their jurisdiction shall be confined to the corporate limits of said city, and within said limits shall be equal and co-extensive with that of the mayor of said city, and they shall have the same powers of the mayor to enforce the ordinances of the city, except that they shall not have the power to remit fines theretofore imposed by themselves or the mayor: provided, that said aldermen shall make report of their official action to the council once in every month, especially the number and the character of the judgments rendered, and the amount of fines and costs imposed and collected by them, and the disposition thereof.

CHAPTER XI.

General provisions.

1. The city of Danville and its inhabitants shall be exempt from all assessments for levies in the way of taxes imposed by the authorities of Pittsylvania county for any purpose whatever, except upon property owned in the said county by the inhabitants of said city, nor shall said inhabitants be liable to serve upon juries in said county, except in such cases as are provided for by the laws of the state.

2. Unless otherwise specially provided the persons holding any of the offices provided for in this charter which have heretofore existed under the charter of the town of Danville in force immediately before its adoption, shall continue to hold the same until the term of such office as herein provided for shall expire, dating the commencement of such term from the time fixed in said former charter of the town of Danville; and all ordinances and laws in force immediately before the passage of this charter, so far as consistent herewith, and all liabilities, rights, actions, claims, contracts and prosecutions arising thereunder, shall remain and continue as if this act had not been passed.

3. The corporation of the city of Danville shall have and succeed to all the estates, rights, titles and privileges, all the funds, revenues, and claims, and all the powers,