

NICKELSVILLE, TOWN OF
County of Scott.

Name changed from Nickolsville by a 1938 Act of Assembly.

Incorporation and charter, 1902, c. 464.

Amended 1938, c. 198 (§§ 1 through 4).

§ 1. The name of the town of Nickolsville, in the county of Scott, as incorporated by chapter 464 of the acts of the General Assembly of 1902, approved April 2, 1902, is hereby changed to and the said town and the inhabitants thereof shall hereafter be a town corporate by the name of the town of Nickelsville, and by that name may sue and be sued, and have and exercise all the powers conferred on towns of less than five thousand inhabitants by the laws of Virginia, so far as the same are not inconsistent with the provisions of this charter. (1902, c. 464; 1938, c. 198)

§ 2. The limits of said town shall be as follows: Beginning in a hollow in the main road leading from Nickelsville to Gate City, west of road leading to Bushes' Mills; thence southeast to a cave on Gren Kilgore's land; thence to an oak tree near an old gate north of Aaron Hartsock's; thence to the main road at east end of Susan Shoemaker's cleared land; thence to the road leading to Corbet, and north boundary of M. S. Darten's land; thence via and including W. M. Nickols' and W. S. Quillins' dwellings to the beginning. (1902, c. 464; 1938, c. 198)

§ 3. The government of said town shall be vested in a mayor and five councilmen, one of which councilmen shall be appointed and designated by a majority of the other councilmen as town clerk. On the second Tuesday in June, 1938 and every four years thereafter, there shall be elected by the qualified voters of said town, in the manner prescribed by law, a mayor and six councilmen for terms of four years beginning on the first day of September next succeeding their election. (1902, c. 464; 1938, c. 198)

§ 4. The persons to be elected as mayor and councilmen under the provisions of this charter shall be qualified voters of Scott county and shall have been residents of said town for at least thirty days next preceding their election. The terms of office of the mayor and councilmen of said town, holding such offices immediately prior to August, 31, 1938, shall expire on August, 31, 1938. (1902, c. 464; 1938, c. 198)

§ 5. H. A. Barnes is hereby appointed mayor of said town; J. P. Lay, J. M. Darter, J. H. Hartsocks, Doctor J. M. Dougherty, and W. B. Jackson are hereby appointed councilmen thereof, and the said persons shall act as mayor and councilmen, and shall have and exercise all the powers hereinafter granted to said officers, shall continue in office until June 1, 1903, and thereafter until their successors shall be elected and qualify according to law, a majority of whom shall constitute a quorum for the transaction of business. (1902, c. 464)

§ 6. In all elections for officers of this corporation all persons who are by the laws of this State entitled to vote for members of the general assembly and who shall have resided in said town for three months next preceding the day of election to be held shall be entitled to vote. (1902, c. 464)

§ 7. When, from any cause, a vacancy may occur in the office of mayor or councilmen, the town council, by a majority of such as remain, may fill such vacancy from the citizens of said town eligible to the office under this act. (1902, c. 464)

§ 8. The mayor and councilmen shall constitute the council of said town, a majority of whom shall constitute a quorum to transact business, and all the corporate powers of said town shall be exercised by said council under its authority, except when otherwise provided by law. 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 powers of a justice of the peace in criminal and civil cases within the limits of said town and one mile beyond said limits. He shall have power to render judgments and issue executions in all matters wherein he has authority vested in him under this act; and in case of trial and conviction of any person for the violation of any provision of this act, or any ordinance, by-law, or regulation of said town, or any crime against the laws of this State, wherein the punishment is by fine, and the fine be not paid immediately, together with all costs, it shall be lawful to require such offender so convicted to work out all costs, fines, and jail fees on the streets, sidewalks, or other public works of said town at the rate of fifty cents per day. In case of death, sickness, absence, refusal, or inability of the mayor at any time to act as such, the council shall designate some one of its members to act in the place of such mayor, and who shall have all the powers conferred upon the mayor by this charter. (1902, c. 464)

§ 9. The town council shall cause to be kept by the clerk of said town in a journal accurate record of all its proceedings, which shall be open to the inspection of the citizens of said town. The clerk shall attend all meetings of the council, keep a journal of its proceedings, have charge of and preserve the records of the town, and perform such other duties as the town council may prescribe. (1902, c. 464)

§ 10. The council shall have the power to elect a treasurer, sergeant, and any other officers they may deem necessary for said town; to regulate their duties, prescribe their compensation, remove them from office, and require bonds, with approved security, for the faithful performance of their respective duties. The council shall also have the power to pass all necessary by-laws and ordinances for the government of said town, so that the same be not in conflict with the constitution and laws of this State and the constitution and laws of the United States; to lay off streets, walks and alleys; to alter or change the same; to keep the same in order, and for which purposes shall have the same power and jurisdiction for condemning lands for streets, alleys, and sidewalks as the county court has for condemning lands for roads in said county; to prevent riding and driving horses and other animals at an improper speed along the roads and streets of said town; to prevent riding, driving, or leading horses or other animals across or along any sidewalk; to prevent the erection of unsightly, unsubstantial, and unsafe houses, and unsafe flues and chimneys to buildings in said town, and to require the owner or occupier of houses in said town to erect safe flues or chimneys to their houses; to lease, acquire, or erect water works for said town, and to require all persons getting or using water from the same to pay a license therefor; to prevent vice and immorality; to preserve peace and order; to quell disturbances and disorderly conduct and assemblages; to suppress houses of ill-fame and gambling; to prevent engaging in any sport or employment in said town dangerous or annoying to the citizens thereof; to punish lewdness or immoral conduct in said town; to make regulations in reference to contagious diseases; to abate nuisances, and to punish all violations of the ordinances and by-laws of said town by fine or imprisonment, or both. (1902, c. 464)

§ 11. The said town council shall have the power and authority to have sidewalks, curbings, and footways along any street or alley within said town of such width as they may prescribe, properly paved or otherwise made, improved, or repaired and altered, whenever they may think fit, at the cost and expense of the owner or owners of the lots of land along the front or side of which such footways, sidewalks, or other improvements extend, and to levy and collect for that purpose a special tax on each of such lots or pieces of land proportioned to the number of feet of the same fronting on such pavement or other improvement, which special tax shall be collected by the treasurer or collecting officer of said town as other taxes on real estate within the said town are herein directed to be collected: provided, however, that the owner or occupier of any lot or parcel of land extending from one street to another shall not, within three years from the passage of this act, be required to pay a special tax of more than enough to erect or repair the sidewalk or other improvement on one side of such lot or parcel of land. In all cases where a lessee or tenant shall pay the expense of any such improvement along the side or sides of any lot or parcel of land occupied by him, by contract with his lessee or landlord, he shall be bound to pay rent, the amount of any such expense paid by him or collected from him, or made out of his property, shall be a good and valid set-off against so much of the rent due or accruing to his lessor or landlord: provided, further, that the owner of such lot of land shall not be required to pay thereon any other tax for town purposes for the year that said special tax shall be assessed and paid. (1902, c. 464)

§ 12. For the purposes of taxation, the council shall provide for the annual assessment of all real and personal property within the corporate limits of said town, so that said assessment be not higher than that made for county and State purposes, and such assessment shall be the basis of taxation. (1902, c. 464)

§ 13. The town council may levy and provide for the collection of such taxes as it may deem proper on all property--real and personal--within said town, so that the same does not exceed one hundred cents on the one hundred dollars' assessed value; to impose a specific license on all shows, performances, and exhibitions that may be given in or within one mile of said town's corporate limits; may impose a license tax on all business on which the State imposes a license tax; may impose a license tax on the sale of merchandise or other manufactured articles that be offered for sale by any person not permanently located and doing a regular business in said town; and the officers of said town shall have the same power to collect taxes within the corporate limits of said town that the county officers now have under the general laws of the State. (1902, c. 464)

§ 14. In the taxation of real estate provided for in this charter all lots, tracts, or parcels of land which lie partly within and partly without the corporate limits of said town, that part which lies within shall be properly taxable by said town council. (1902, c. 464)

§ 15. All taxes assessed upon property--real or personal--within the corporate limits of said town under this act are hereby declared to be lien upon said property. (1902, c. 464)

§ 16. Said town and persons and property therein shall be exempt from the payment of county and district road taxes, and for which exemptions said town shall keep its own streets and roads in order, and shall not be embraced in any road district of said county. And this provision shall apply to the assessment of taxes for the year 1902. (1902, c. 464)

§ 17. The mayor and councilmen, except the clerk, shall serve without any compensation; the compensation of the clerk to be fixed by the council: provided, that the mayor shall be entitled to receive such fees as are now allowed by law to justices of the peace when he acts in that capacity. (1902, c. 464)

§ 18. This act shall be in force from the time of its passage. (1902, c. 464)