

ROUND HILL, TOWN OF
County of Loudoun.

Incorporation and charter, 1900, c. 272; repealed 1938, c. 175.

Charter, 1938, c. 175.

Amended 1974, c. 343 (§§ 1, 5, 7 [repealed], 8, 19 and 20 [repealed],
24, 25 [repealed], 25.1 and 40 [added]).

§ 1. The town of Round Hill, in the county of Loudoun, shall continue to be a town corporate, in the name and style of the town of Round Hill, in Virginia, and as such shall have and may exercise all the powers that may be conferred upon or delegated to towns and municipal corporations under the Constitution and the laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein; and in addition to all powers and privileges conferred upon it by this charter, 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 upon the town as a municipal corporation. Included specifically in § 1 of this charter are the powers set forth in §§15.1-792 through 15.1-907, inclusive of Chapter 18 of Title 15.1 of the Code of Virginia, as hereafter amended, which are hereby conferred on and vested in the town of Round Hill. (1938, c. 175; 1974, c. 343)

§ 2. The corporate limits or boundaries of the town of Round Hill shall be the same as heretofore established, to wit:

Beginning (1) at a sycamore tree on the graded road from Snickersville to Leesburg on G. G. Greggs line, thence north twenty-seven west sixty-six poles to two (2), thence north thirty-one west eighty-three, sixty poles to three (3), thence south eighty-five west seventeen, twenty-four poles to four (4), thence south forty-two, twenty-five west, sixty-four poles to five (5), thence north eighty-nine, seventy-five west nineteen thirty-six poles to six (6), thence south, one east sixty-seven twenty-eight poles to seven (7), thence south eighty-three seventy-five west twenty-seven poles to eight (8), thence south four, east thirty-two eighty poles to nine (9), thence south forty-two, twenty-five east, forty-two, fifty-six poles to ten (10), thence south eighty-eight, fifty east eighty-seven, sixty-seven poles to eleven (11), thence north thirty-nine seventy-five east, thirty-five thirty-two poles to twelve (12), thence north fifty west fifteen, thirty-six poles to thirteen (13), thence north sixty-five, fifty east thirty-seven, sixteen poles on the north side of said graded road to the place of beginning.(1938, c. 175)

§ 3. The town of Round Hill shall have the following powers and privileges, to the extent not prohibited by the Constitution or the general laws of the Commonwealth of Virginia:

(a) To provide for the fiscal year, which shall begin on the first day of July and end on the thirtieth day of June, unless and until changed by ordinance.

(b) To raise annually, by taxes and assessments in said town, such sums of money, in such manner as the council thereof shall deem necessary or expedient for the use, benefit and purposes of said town, in accordance with the Constitution of the United States, the Constitution of Virginia or the laws of the Commonwealth of Virginia.

(c) To fix or set, levy and collect taxes and assessments on persons and property.

(d) To impose, fix or set, levy and collect a license tax, fee or assessment for the conduct, maintenance or operation of privileges, amusements, business, professions, occupations or callings; to issue a license or permit and collect charges, or fees therefor and to prorate license fees or charges for the unexpired portion of the fiscal year.

(e) To incur liabilities or debts, make contracts, borrow money and execute or issue evidences of indebtedness, and have a common seal.

(f) To expend the money of the town for all lawful purposes.

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

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

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

(j) To acquire, construct, own, operate or maintain electric light or gas works; either within or without the corporate limits of said town, and to supply gas or electricity, whether the same be generated or purchased by said town, to the customers or consumers, both within and without the corporate limits of said town, at such price and upon such terms as may be prescribed and to that end, it may contract to purchase electricity or gas from the owners thereof upon such terms as it may deem necessary or expedient.

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

(l) To establish, enter, open, widen, extend, grade, improve, construct, maintain, light, sprinkle or clean public streets, highways, alleys, parkways or parks or to alter or close the same; to regulate the weight of loads to be hauled or carried over and upon the streets, to regulate use of all such highways, parks, streets, alleys, parkways and public grounds; to prevent the obstruction, destruction or injury to any of such streets, alleys or

highways; to require any railroad company operating a railroad at the place where any highway or street is crossed within the town limits to erect and maintain at such crossing any style of gate deemed proper, and keep a man in charge thereof, or keep a flagman at such crossing during such hours as the council may require in accordance with the general law of the State and to regulate the length of time such crossing may be closed due to any operation of the railroad; to regulate the operation and speed of all cars, motorcycles, bicycles or vehicles upon said streets or highways as well as the speed of all engines, cars, or railroad trains within the town; to the extent permitted by general law, to permit or prohibit poles or wires for electric, telephone or telegraph purposes to be erected or gas lines to be laid in the streets or alleys, and to prescribe and collect an annual charge for such privileges hereafter granted; to require the owner or lessee of any electric light, telephone or telegraph pole or poles or wires now in use or hereafter erected to change the location or remove the same.

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

(n) To establish, construct, and maintain sanitary sewers, sewer lines, or cisterns and to require the abutting property owners to connect therewith, and to establish, construct, maintain and operate sewage disposal plants and to acquire by condemnation or otherwise, within or without the town, all lands, rights of way and other rights and easements necessary for the purposes aforesaid, and to assess, charge and collect reasonable fees, licenses, taxes, assessments or costs of service for connecting with and using the same.

(o) To grant franchises for public utilities, subject to the provisions of the Constitution and general laws of the Commonwealth of Virginia.

(p) To collect and dispose of sewage, offal, ashes, garbages, carcasses of dead animals and other refuse, and to make reasonable charges therefor; to acquire and operate reduction or other plants for the utilization or destruction of any or all of said materials, to contract, regulate and collect for the disposal thereof, and to require or regulate the disposal thereof.

(q) To compel the abatement of nuisances within the town, or upon property owned by the town beyond its limits at the expense of the person, persons, corporations or firms causing the same, or of the owner or occupant of the grounds or premises whereon the same may be, and to collect said expense by suit or motion, or by distress and sale; to require all lands, lots or other premises within the town to be kept clean, sanitary or free from stagnant water, weeds, filth, or 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, the keeping of hogs, or other animals, poultry or other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment thereon; to regulate the transportation of all articles through the streets of the town; to compel the abatement of smoke and dust, and prevent unnecessary noise, to regulate the location of stables and the manner in which they shall

be constructed or kept; to regulate the location, construction, operation or maintenance of bill boards; to provide how, when and under what conditions awnings may project over the streets and sidewalks from buildings, and the manner in which sidewalks may be used for advertising or display signs or merchandise; to generally define, prohibit, abate, suppress, and prevent all things detrimental to the health, morals, aesthetics, safety, convenience, or welfare of the inhabitants of the town.

(r) The council may, in its discretion, appoint a board of health for the town and invest it with authority for the prompt and efficient performance of its duties.

(s) To inspect, test, measure or weigh any commodity or article offered for use or consumption to persons within the town; and to establish, regulate, license or inspect weights, meters or scales employed or used within the town and charge and collect fees therefor.

(t) To prevent or extinguish fires, and to establish, regulate, and control a fire department or division; to regulate the size, heights, materials and construction of buildings, fences, walls, retaining walls or other structures hereafter erected, in such manner as the public safety or conveniences 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 establish or designate from time to time fire limits, within which limits wooden buildings shall not be constructed, removed to, added to, enlarged, or repaired and to direct that any and all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material; and may enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments or amusements.

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

(v) To prevent any person having no visible means of support, paupers or persons who may be dangerous to the peace, health or safety of the town, from coming to said town from without the same; and also to expel therefrom any such person who has been in said town less than one year.

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

(x) To restrain and punish drunkards, vagrants and street beggars; to prevent or quell riots, disturbances, or disorderly assemblages; to suppress houses of ill-fame, or gambling houses; to prevent or punish lewd, indecent or disorderly exhibitions in said town; to expel therefrom persons guilty of such conduct who have not resided therein as much as one year.

(y) To license and regulate the holding and location of shows, circuses, public exhibitions, carnivals or similar shows or fairs, or prohibit the holding of the same or any of them within the town.

(z) To make and enforce ordinances appertaining to ardent spirits, provided, however, that no such ordinances shall be in conflict with any of the provisions of the

Alcoholic Beverage Control Act or of the general laws of the Commonwealth with respect to alcoholic beverages.

(aa) To do all things whatsoever necessary, expedient or lawful for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the town or its inhabitants.

(bb) To prescribe any penalty for the violation of any town ordinance, rule or regulation, or of any provisions of this charter, not exceeding five hundred dollars, or one year imprisonment in jail or both.

(cc) To prohibit or punish for mischievous, wanton or malicious damage to school property, public property or private property.

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

(if) To pass and enforce all by-laws, rules, regulations and ordinances which the town council may deem necessary for the government of the town, the management of its property, the conduct of its affairs, the peace, order, comfort, convenience, morals, health and protection of its citizens or their property or do such other things, adopt any ordinance that may be necessary or proper to carry into full effect all power, authority, capacity or jurisdiction, which is or shall be granted to or vested in said town, or in the council or officers thereof, or which may be incident to a municipal corporation.

(gg) The town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding punishment may be provided for the violation of such ordinance. (1938, c. 175)

§ 4. Licenses may be imposed by ordinance and collected from business, trades, professions or callings, and upon the persons, firms, associations or corporations engaged therein or offering to do business within the boundaries of said town, whose principal office is or is not located in said town, except when prohibited by general law, whether or not a license may be required therefor by the State, and it may exceed the State license if any be required.

(a) Licenses may also be imposed upon and collected from persons, firms, or corporations selling and delivering at the same time at other than a definite place of business, goods, wares or merchandise, to licensed dealers or retailers in said town.

(b) Persons, firms or associations or corporations doing business or attempting to do business, buying, delivering, exchanging or bartering goods, wares, merchandise or commodities within the said town without a written order, may be required to secure a license from the town, except when a license is prohibited by the Constitution or the general laws of the Commonwealth of Virginia, whether or not a license may be required therefor by the State and it may exceed the State license if any be required.

(c) It is the purpose of this section to give the council of this town the power to assess, issue a license or permit on any or all subjects within its jurisdiction not withheld from taxation by towns in accordance with the Constitution and general laws of the Commonwealth of Virginia. (1938, c. 175)

§ 5. For every license issued or transferred under this charter, there may be prescribed by ordinance a charge or fee not in excess of ten dollars for issuing or five dollars for transferring the same, such charges or fees shall be collected and paid into the town treasury. (1938, c. 175; 1974, c. 343)

§ 6. A lien shall exist on all real estate within the corporate limits for taxes, levies or assessments in favor of the town, levied or assessed thereon from the commencement of the year for which the same was levied or assessed, and the procedure for collecting said taxes for selling real estate for town taxes, and for the redemption of real estate sold for town taxes shall be the same as provided in the general law of the State. The council of said town shall have the benefit of all other and additional remedies for the collection of town taxes which are now, or may be hereafter granted or permitted under the general law. (1938, c. 175)

§ 7. (1938, c. 175; repealed, 1974, c. 343)

§ 8. The officers of said town, in addition to the mayor and councilmen, shall be a recorder, a treasurer, and a sergeant; these additional officers may or may not be electors of the town. (1938, c. 175; 1974, c. 343)

§ 9. The council may, by ordinance, provide for such other officers, agents and employees as it may deem appropriate, prescribe their duties and fix their compensation. (1938, c. 175)

§ 10. The recorder, treasurer and sergeant shall be elected by the council for a term of two years, coincident with that of the council. (1938, c. 175)

§ 11. The office of recorder and treasurer may be filled by the same person, who may be a member of the council. (1938, c. 175)

§ 12. The council shall fix the salaries of the mayor, councilmen, recorder, treasurer, and sergeant, whose salaries shall not be increased nor decreased during the term of office for which they shall have been elected. (1938, c. 175)

§ 13. The council may provide for an audit or audits of the affairs of the town. (1938, c. 175)

§ 14. The council may, by ordinance, adopt such rules as it may deem proper for the regulation of its proceedings, and the time of its meetings. (1938, c. 175)

§ 15. The council may fine a member for disorderly behavior and with the concurrence of two-thirds vote of the council, expel a member in accordance with the Constitution and general laws of the Commonwealth of Virginia. (1938, c. 175)

§ 16. A majority of the council shall constitute a quorum for the transaction of business, but no ordinance nor resolution shall be passed or adopted having for its object the levying of taxes or contracting a debt except by a concurring vote of two-thirds of the members of the council. (1938, c. 175)

§ 17. All meetings of the council shall be public, unless the council by a recorded affirmative vote of two-thirds of its members shall declare that the public welfare demands an executive session of the council; any citizen may have access to the minutes and records of the council at any reasonable time. (1938, c. 175)

§ 18. The council, in its discretion, and by proper ordinance, may require the sergeant or any other officer of the town, instead of the treasurer, to collect the taxes and other revenues of the town and pay the same over to the treasurer. (1938, c. 175)

§ 19. (1938, c. 175; repealed, 1974, c. 343)

§ 20. (1938, c. 175; repealed, 1974, c. 343)

§ 21. In addition to the taxes, assessments and levies hereinbefore provided, the council of the said town may annually levy a capitation tax of one dollar per head on every citizen of the town, not exempt from such taxation by State or national law, which shall be collected in the same manner as other taxes. (1938, c. 175)

§ 22. Requisites for voting in town election shall be residence in the State for one year and in the town of Round Hill for six months prior to such election. (1938, c. 175)

§ 23. The council, by ordinance, may provide for the employment of special police. (1938, c. 175)

§ 24. The mayor shall be the chief executive officer of the town and shall preside at all meetings of the council. In the absence of or vacancy in the office of the mayor, a vice-mayor elected by majority vote of the council shall act in his place and stead, but if both the mayor and vice-mayor shall be absent, the council may, by a majority vote, select one of its members to act as mayor pro tem. The mayor shall perform such other duties consistent with his office as may be imposed by the council; he shall have and exercise all powers and authority conferred by general law on mayors of towns not inconsistent with this charter. He may deputize such policeman and assistant policemen as may be necessary. The mayor or person acting as mayor, shall authenticate by his signature, such documents or instruments as the council, this charter, or the laws of the State, shall require. Subject to the provisions of §§16 and 32 of this charter, in case of any tie vote in the council, the mayor shall cast the deciding vote. (1938, c. 175; 1974, c. 343)

§ 25. (1938, c. 175; repealed, 1974, c. 343)

§ 25.1. The administration and government of the town of Round Hill shall be vested in one body to be called the council of the town of Round Hill which shall consist of six council members and the mayor, all of whom shall be residents and qualified voters of the town. The mayor, councilmen, recorder, treasurer and sergeant serving at the time of the passage of this act shall continue in office until July 1, 1974.

The mayor shall be elected at large by the qualified voters of the town, and his or her term of office shall be for two years. The next election for the mayor shall be on the first Tuesday of May, 1974, and the term of office shall commence on July 1, 1974. The election of the mayor shall take place thereafter every two years on the first Tuesday in May.

The six councilmen shall be elected at large by the qualified voters of the town and their term of office shall be for four years; subject, however, to provisions for the terms for the years 1974 and 1976. An election shall be held on the first Tuesday in May, 1974, to elect three members who shall serve for terms of four years from July 1, 1974, and thereafter until their successors have been elected and qualify; three additional members shall be elected on the first Tuesday of May, 1974, and shall take office on July 1, 1974, and their term of office shall expire on July 1, 1976; these three members whose terms are for two years shall be selected by determining the three members who have received the smallest number of votes during the May, 1974 election. Thereafter, elections shall be held on the first Tuesday of May of each even-numbered year to fill the vacancies of the three councilmen whose term of office expires in that year or to fill the vacancy of any member who has resigned or been removed from office during his term. The mayor and councilmen shall take office thereafter on July 1 of the year in which they have been elected. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by vacancy or expiration of the term of office or removal of the members of said body, or any of them. Vacancies in the council shall be filled within sixty days after such vacancy occurs for the unexpired term or until

the next election, by majority vote of the remaining members of the council, except where otherwise inconsistent with the provisions of this charter. (1974, c. 343)

§ 26. Before entering upon his duty, each and every person elected or appointed to office, may be required to execute a bond in the penalty prescribed by ordinance. (1938, c. 175)

§ 27. The recorder shall be the clerk of the council; shall attend all meetings thereof and shall keep a record of its proceedings. He shall keep all papers, documents and records pertaining to the town, the custody of which is not otherwise provided. He shall be custodian of the town seal and shall affix it to all documents and instruments requiring the seal and shall attest the same and shall perform such other duties as are required by this charter, general law, or by the council. (1938, c. 175)

§ 28. The town sergeant shall have the same powers and discharge the same duties as a constable within the corporate limits of the town; he shall perform such duties as may be required of town sergeants by the general law or such other duties not inconsistent therewith or may be required of him by ordinance or resolution of the council. (1938, c. 175)

§ 29. The treasurer shall receive all money belonging to and received by the town and keep a correct account of all receipts from all sources, and expenditures of all departments. He shall collect all taxes, levies, license taxes, assessments, fees, water rents, and other charges belonging to and payable to the town and for that purpose, he is hereby vested with any and all powers which are now or may be hereafter vested in county and State treasurers, for the collection of county, town and State taxes under the general law. He shall keep and disburse all moneys or funds in such manner and in such places as may be determined by ordinance or the provisions of law applicable thereto. He shall pay no money out of the treasury except in the manner prescribed by ordinance or general law; he shall perform such duties as are usually incident to the office of commissioner of revenue in relation to the assessment of property and the license taxes and shall have power to administer oaths in the performance of his official duties; and shall make such reports and perform such other duties not inconsistent with the office as may be required by the mayor or by ordinance or resolution of the council. The treasurer shall not be entitled to any commission for handling the funds of the town, but shall be paid such salary as may be provided by the council, and before entering upon the duties of his office, shall execute a bond in such amount and with such surety as the council by ordinance may prescribe. (1938, c. 175)

§ 30. The council may provide that the premium on any surety bond for any of its officials or employees shall be paid by the town. (1938, c. 175)

§ 31. The council may require the attendance of its officers, agents or employees at its meetings and may further require reports to be submitted. (1938, c. 175)

§ 32. In all cases of a tie vote at any meeting of the council or whenever the vote of the mayor is necessary to give validity to any ordinance, resolution, contract or liability incurred, the mayor or person presiding, shall cast the deciding vote. (1938, c. 175)

§ 33. Vacancies in the office of mayor, councilmen, treasurer, sergeant, or recorder, may be filled for the unexpired term by the council or by a majority vote of the remaining members thereof. (1938, c. 175)

§ 34. The person acting as mayor pro tem shall be entitled to vote at any meeting over which he is elected to preside. (1938, c. 175)

§ 35. All fees, costs or charges for making arrests or trying cases involving violations of town ordinances shall be assessed and forthwith paid into the town treasury. (1938, c. 175)

§ 36. All the rights, privileges and property of the town heretofore acquired, now owned or enjoyed, shall continue undiminished and remain vested in the town; and all laws of the Commonwealth of Virginia, ordinances, and resolutions of the council now in force and not inconsistent with this act, shall continue in full force and effect until repealed by the Commonwealth of Virginia or the council of the town of Round Hill. (1938, c. 175)

§ 37. The enumeration of particular powers and authority in this charter shall not be deemed nor held to be exclusive, but in addition to the powers herein enumerated, implied hereby or appropriate to the exercise thereof, the said town shall have and may exercise all other powers which are now or may be hereafter conferred upon or enjoyed by towns under the Constitution and general laws of this State. (1938, c. 175)

§ 38. Subject to the provisions of the Constitution and the general laws of this State, and the terms of this charter to grant franchises, the town of Round Hill shall have the right and power to grant franchises to public utilities, persons, firms and corporations. (1938, c. 175)

§ 39. If any clause, sentence, paragraph or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment, order or decree shall not affect, impair or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment, order or decree shall have been rendered. (1938, c. 175)

§ 40. Notwithstanding any provision in Title 15, Chapter 11 of the Code of Virginia, to the contrary, the council shall have the power to appoint the members and fill vacancies of the Board of Zoning Appeals which may be established for the town. (1974, c. 343)