

## ROAD ORDINANCE

Upon motion duly made, seconded and passed the Russell County Board of Supervisors, after having advertised public hearing according to law and hearing held on April 2, 1979, the following ordinance was adopted:

### ORDINANCE

AN ORDINANCE pursuant to Va. Code Ann. Sec. 33.1-229 et seq.

for the establishment of new roads in Russell County which shall upon such establishment, become parts of the County road system within Russell County, Virginia, and further requiring the tenants and proprietors using said road to maintain the same at their own expense.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Russell County, Virginia:

#### A. ESTABLISHMENT OF ROADS

Pursuant to Va. Code Ann. Sec. 33.1-229 et seq. all access and haul roads constructed, used, reconstructed, improved or maintained for any purpose including coal mining and reclamation operations and use by coal hauling vehicles leading to transfer, processing or storage areas in Russell County, Virginia, are established and determined to be public roads and part of the County road system within Russell County, Virginia.

#### B. MAINTENANCE OF ROADS

All roads established and determined to be public roads and a part of the County road system within Russell County, Virginia shall be at all times maintained by the proprietors and tenants of said roads at no cost to this County. Said roads shall be accepted into said system of this County by deed of conveyance from said proprietors and/or tenants.

#### C. COUNTY ROAD ENGINEER

In order to determine the feasibility of accepting said roads, the location of said roads, and to supervise the maintenance of the same,

the position of County Road Engineer is hereby created, which County Road Engineer shall be an employee of Russell County, Virginia, at a salary to be set by the Board of Supervisors of Russell County, Virginia.

D. HOW ROADS SHALL BE ESTABLISHED.

Whenever the Board of Supervisors of this County shall be of the opinion that it is necessary to establish a location of a public road as hereinbefore defined in Section A of this Ordinance or any other person applies to the Board, said Board shall direct the County Road Engineer to examine such road or route and make a report, to the Board and said Board may establish such road upon such location and of such width and grade as it may prescribe; provided, that the right of way for any such public road be less than 30, but shall not be less than 15 feet in width.

E. DUTIES OF COUNTY ROAD ENGINEER

The County Road Engineer shall, as early as practicable, after receiving this order of the Board to that effect proceed to make the view and if of the opinion that there is a necessity to establish the location of the public road, shall locate the same, return a map or diagram thereof with his report, and make a report to the Board stating those matters set forth in Va. Code Ann. Sec. 33.1-231.

F. CESSION OF ROADS IN COUNTY ROAD SYSTEM.

Those roads established and brought into the County road system under this Ordinance shall remain public roads for as long as they are used in those operations described herein. At such time as said operations cease, said roads may, at the option of the Board of Supervisors of said County, be discontinued as a part of the county road system within Buchanan County, Virginia, and transferred by deed of conveyance to said proprietors and/or tenants.

G. EFFECTIVE DATE

This public road ordinance shall become effective the 2nd day of April, 1979.

H. VALIDITY: SEVERABILITY

If any section, clause, sentence, phrase, or word of this ordinance is for any reason held by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining sections of this Ordinance, which shall remain in full force and effect.

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Chairman

## CHAPTER 646

*An Act to amend the Code of Virginia by adding a section numbered 58-266.1:2, relating to severance taxes on coal and gases; use of funds from such taxes; expiration of certain taxes.*

[H 742]

Approved April 8, 1978

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58-266.1:2 as follows:

*§ 58-266.1:2. Local coal road improvement tax.—A. In addition to*

*the taxes authorized under § 58-266.1:1, any county or city may adopt a license tax on every person engaging in the business of severing coal or gases, except methane, propane and other migratory gases, as stated in § 55-154.1 from the earth, for use in the improvement of the roads used in the transportation of coal in such county or city. The rate of such road tax shall not exceed one-half of one per centum on and after January one, nineteen) hundred seventy-nine, and one per centum on and after January, one, nineteen hundred eighty. The provisions of § 58-266.1:1 as to measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax imposed under this section.*

*The moneys collected for each county or city from the tax imposed under authority of this section shall be paid into a special fund of such county or city to be called the Coal Road Improvement Fund of such county or city, and shall be spent for such improvements to public coal hauling roads as the Coal Road Improvement Advisory Committee and the governing body of such county or city may determine as provided in subsection B of this section. The county may also, in its discretion, elect to improve city or town roads with its funds if consent of the city or town council is obtained. Such funds shall be in addition to those allocated to such counties from State highway funds which allocations shall not be reduced as a result of any revenues received from the tax imposed hereunder.*

*B. Any county or city imposing the tax authorized hereunder shall establish a Coal Road Improvement Advisory Committee, to be composed of three members, (1) a member of the governing body of such county or city, appointed by the governing body; (2) the resident engineer from the Department of Highways and Transportation, and (3) a citizen of such county or city connected with the coal industry, appointed by the chief judge of the circuit court.*

*Such committee shall develop on or before July one of each year a plan for improvement of roads during the following fiscal year. Such plan must have the unanimous approval of all members of the Committee and shall be submitted to the governing body of the county or city for approval. The governing body may approve or disapprove such plan, but may make no changes without the unanimous consent of the Committee.*

2. That no tax authorized by this act shall be imposed prior to January one, nineteen hundred seventy-nine and that this act shall expire on December thirty-one, nineteen hundred eighty-six, except that any taxes assessed hereunder prior to such expiration date may be collected thereafter, and any moneys collected hereunder shall be expended as provided herein.